

STATE OF MAINE

v.

DOROTHY LAFORTUNE

Submitted on Briefs November 29, 2005
Decided December 13, 2005

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Dorothy Lafortune appeals from a judgment entered upon a jury verdict in the Superior Court (York County, *Brennan, J.*) convicting her of criminal trespass, 17-A M.R.S.A. § 402(1)(D) (Supp. 2004), a Class E crime. On appeal, Lafortune contends the jury was not properly instructed as to the “knowing” element of the criminal trespass statute. Contrary to Lafortune’s contentions, the Superior Court’s instructions, taken as a whole, correctly state the law regarding the culpable mental state required by the criminal trespass statute and the court did not err. *See* 17-A M.R.S.A. § 35(2)(B) (1983) (defining culpable mental state of acting “knowingly”); *State v. Robinson*, 403 A.2d 1201, 1203 n.4 (Me. 1979)

(recognizing State's burden to prove knowledge as individual element of criminal trespass).

The entry is:

Judgment affirmed.

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