

STATE OF MAINE

v.

DAVID J. MAIR

Submitted on Briefs November 16, 2006
Decided December 5, 2006

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

MEMORANDUM OF DECISION

David J. Mair appeals from a judgment of conviction for burglary (Class B), 17-A M.R.S. § 401(1)(B)(2) (2005), and aggravated assault (Class B), 17-A M.R.S. § 208(1)(C) (2005), entered after a jury trial in the Superior Court (Oxford County, *Crowley, J.*). Contrary to Mair's assertion that evidence from the search of his apartment should have been suppressed because the warrant was issued on stale information, the court (*Fritzsche, J.*) did not err in denying his motion to suppress. *See State v. Wright*, 2006 ME 13, ¶¶ 8-9, 890 A.2d 703, 705-06. Furthermore, the evidence, when viewed in the light most favorable to the State, was sufficient to

support a finding beyond a reasonable doubt that Mair committed every element of both offenses. *See State v. Sweeney*, 2004 ME 123, ¶ 15, 861 A.2d 43, 46. We likewise reject Mair's contention that his judgment of conviction for aggravated assault is logically irreconcilable with the jury's acquittal of Mair for elevated aggravated assault (Class A), 17-A M.R.S. § 208-B(1)(A) (2005). *See State v. Finnemore*, 1997 ME 44, ¶ 9, 690 A.2d 979, 981.

The entry is:

Judgment affirmed.

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