

STATE OF MAINE

v.

TERRY L. ROSS

Submitted on Briefs January 20, 2006

Decided March 7, 2006

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

MEMORANDUM OF DECISION

Terry L. Ross appeals the judgments entered in the Superior Court (Lincoln County, *Bradford, A.R.J.*) following a jury waived trial at which Ross was found guilty of assault (Class D), 17-A M.R.S. § 207 (2005), and cultivation of marijuana (Class C), 17-A M.R.S. § 1117(1)(B)(2) (2005). Contrary to Ross's contention, there is sufficient record evidence to support findings beyond a reasonable doubt that he was guilty of both assault and cultivation of marijuana. *See State v. Bouchard*, 2005 ME 106, ¶ 10, 881 A.2d 1130, 1134; *State v. Forbes*, 2003 ME 106, ¶ 18, 830 A.2d 417, 422 ("Proof of at least reckless conduct is required to support an assault conviction."); *State v. Barnard*, 2001 ME 80, ¶¶ 8, 12-15, 772

A.2d 852, 856-58 (“In the absence of a chemical analysis, other direct and circumstantial evidence can establish beyond a reasonable doubt the identity of the drugs. That evidence can include the testimony of a witness who has experience based on familiarity with the drugs through law enforcement . . .”).

The entry is:

Judgments affirmed.

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