

STATE OF MAINE

v.

KEVIN S. JOHNDRO

Submitted on Briefs February 27, 2006
Decided March 9, 2006

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

MEMORANDUM OF DECISION

Kevin S. Johndro appeals from a judgment of conviction for assault (Class D), 17-A M.R.S. § 207(1)(A) (2005), entered in the Superior Court (Knox County, *Marden, J.*) following a jury-waived trial. First, contrary to Johndro's contentions, when viewing the evidence in the light most favorable to the State, sufficient evidence exists in the record to support the court's finding that the State met its burden of disproving, beyond a reasonable doubt, the "reasonable belief" prong of the parental control justification found in 17-A M.R.S. § 106(1) (2005). *See* 17-A M.R.S. § 101(1) (2005); *State v. York*, 2001 ME 30, ¶¶ 15-16, 19, 766 A.2d 570, 574-76 (noting that the State is required to disprove the parental control

justification beyond a reasonable doubt and when a defendant has been convicted of assault, the facts on appeal are reviewed in the light most favorable to the State); *State v. Wilder*, 2000 ME 32, ¶ 46, 748 A.2d 444, 455-56 (“We will reverse a conviction only when no trier of fact rationally could find proof of guilt beyond a reasonable doubt.”). Second, contrary to Johndro’s contentions, the court did not shift the burden of proof onto him by taking judicial notice of the victim’s diagnosis of attention deficit hyperactivity disorder.

The entry is:

Judgment affirmed.

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