

STATE OF MAINE

v.

DAVID BOURGEOIS

Submitted on Briefs May 2, 2007
Decided July 5, 2007

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

MEMORANDUM OF DECISION

David Bourgeois appeals from a judgment entered in the Superior Court (Somerset County, *Jabar, J.*) finding him guilty of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B) (Supp. 2003),¹ and unlawful sexual contact (Class C), 17-A M.R.S.A. § 255(1)(C) (Supp. 2002), 17-A M.R.S. § 255-A(E) (2006).² Contrary to Bourgeois's assertions, the court's finding that the victim was competent to testify is supported by facts in the record, *cf. D'Angelo v. McNutt*,

¹ Title 17-A M.R.S.A. § 253(1)(B) (Supp. 2003) has since been amended. P.L. 2003, ch. 711, § B-2 (effective July 30, 2004) (codified at 17-A M.R.S. § 253(1)(B) (2006)).

² The incidents giving rise to the crimes charged allegedly occurred between July 1, 2002 and July 31, 2003. Title 17-A M.R.S.A. § 255 (Supp. 2002) was repealed and replaced with 17-A M.R.S. § 255-A (2006), P.L. 2001, ch. 383, §§ 22, 23 (effective Jan. 31, 2003).

2005 ME 31, ¶ 6, 868 A.2d 239, 242, and exceed the standards set forth in *State v. Ellis*, 669 A.2d 752, 753 (Me. 1996) and *State v. Rippy*, 626 A.2d 334, 337 (Me. 1993). Viewing the evidence in the light most favorable to the State, the trier of fact rationally could have found beyond a reasonable doubt every element of the offenses charged. *See State v. Moores*, 2006 ME 139, ¶ 7, 910 A.2d 373, 375.

The entry is:

Judgment affirmed.

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