

STATE OF MAINE

v.

MARK DESCHENE

Submitted on Briefs September 27, 2007
Decided October 9, 2007

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

MEMORANDUM OF DECISION

Mark Deschene appeals from judgments of conviction of terrorizing (Class D), 17-A M.R.S. § 210 (2006), assault on an officer (Class C), 17-A M.R.S. § 752-A (2006), assault (Class D), 17-A M.R.S. § 207(1)(A) (2006), refusing to submit to arrest (Class D) 17-A M.R.S. § 751-A (2006), and disorderly conduct (Class E), 17-A M.R.S. § 501 (2006), entered after a jury trial in the Superior Court (Penobscot County, *Warren, J.*). Contrary to Deschene's contention, the evidence on the charge of terrorizing, when viewed in the light most favorable to the State, was sufficient for a fact-finder to rationally find each element of the offense beyond a reasonable doubt. *See State v. Black*, 2000 ME 211, ¶ 14, 763

A.2d 109, 113. Also, contrary to Deschene's contention, the trial court did not abuse its discretion in refusing to rule out the possibility that one of Deschene's proposed witnesses might be subject to cross-examination regarding an unrelated criminal charge against Deschene before the scope or context of that witness's direct testimony was known. *See State v. Brackett*, 2000 ME 54, ¶ 7, 754 A.2d 337, 339. Finally, Deschene cannot prevail on the appeal of his sentence for the crime of assault on an officer, 17-A M.R.S. § 752-A, both because the sentence is not subject to direct appeal, as there was no illegality on the face of the sentence, *State v. Parker*, 372 A.2d 570, 572 (Me. 1977), and because the appeal of his sentence has been denied by this Court's sentence review panel, *see* SRP 07-78.

The entry is:

Judgments affirmed.

Attorneys for State:

R. Christopher Almy, District Attorney
C. Daniel Wood, Asst. Dist. Attorney
97 Hammond Street
Bangor, ME 04401

Attorney for defendant;

Jennifer E. Walton, Esq.
Largay Law Offices, P.A.
293 State Street
Bangor, ME 04401

