

STATE OF MAINE

v.

FOSTER E. KANE

Submitted on Briefs October 16, 2007

Decided November 6, 2007

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

MEMORANDUM OF DECISION

Foster E. Kane appeals from the judgment of the Superior Court (Hancock County, *Hjelm, J.*) convicting him, after a jury-waived trial, of burglary (Class C), 17-A M.R.S. § 401(1)(A) (2006); theft (Class E), 17-A M.R.S. § 353(1)(A) (2006); and criminal trespass (Class E), 17-A M.R.S. § 402(1)(C) (2006). Contrary to Kane's contention on appeal, the evidence in the record is sufficient to support the court's finding that the tannery building that Kane entered is a structure, even though it may have been abandoned and subject to previous incidents of vandalism and unauthorized entry. *See State v. Luce*, 394 A.2d 770, 773 (Me. 1978).

The entry is:

Judgment affirmed.

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