

STATE OF MAINE

v.

JESSICA M. BROWN

Submitted on Briefs July 29, 2008

Decided August 26, 2008

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

MEMORANDUM OF DECISION

Jessica M. Brown appeals from a judgment of conviction entered by the Superior Court (Cumberland County, *Wheeler, J.*) following a jury-waived trial on an indictment charging one count of criminal threatening with a dangerous weapon (Class C), 17-A M.R.S. §§ 209, 1252(4) (2007), and one count of reckless conduct with a dangerous weapon (Class C), 17-A M.R.S. §§ 211, 1252(4) (2007). Contrary to Brown's contention, the court did not obviously err in admitting without objection the evidence she now challenges. *See State v. Thomes*, 1997 ME 146, ¶ 7, 697 A.2d 1262, 1264 (absent a contemporaneous objection, admission of evidence is reviewed only for obvious error; resulting judgment will be vacated only if it is the product of a fundamentally unfair trial). Furthermore, in a jury-waived trial "a court learned in the law is presumed to render its decision on the evidence in the case which is legally admissible even though inadmissible testimony be received," a presumption that Brown has not overcome. *MacCormick v. MacCormick*, 478 A.2d 678, 683 (Me. 1984) (quotation marks omitted).

The entry is:

Judgment affirmed.

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