

STATE OF MAINE

v.

GARY GOLDSMITH

Submitted on Briefs December 12, 2008

Decided December 18, 2008

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

#### MEMORANDUM OF DECISION

Gary Goldsmith appeals from a judgment of conviction entered in the Superior Court (Somerset County, *Jabar, J.*) upon a jury verdict finding him guilty of assault (Class D), 17-A M.R.S. § 207(1)(A) (2007), and operating after suspension (Class E), 29-A M.R.S. § 2412-A(1-A)(A)(5) (2007). In conducting our analysis, we view the evidence in a light most favorable to the State to determine whether the trier of fact rationally could have found beyond a reasonable doubt every element of the offenses charged. *State v. Rice*, 2007 ME 122, ¶ 30, 930 A.2d 1064, 1070; *see also State v. Pierce*, 2006 ME 75, ¶ 16, 899 A.2d 801, 804. Contrary to Goldsmith's contentions, the jury in this case rationally could have found beyond a reasonable doubt every element of assault and every element of operating after suspension. *See State v. Clark*, 2008 ME 136, ¶ 18, 954 A.2d 1066, 1072; *see also Pierce*, 2006 ME 75, ¶ 16, 899 A.2d at 804. Goldsmith's arguments fail to recognize that a jury, as fact-finder, is permitted to draw any reasonable inferences from the evidence and may combine the testimony in any way to reach its verdict. *See State v. Crossman*, 2002 ME 28, ¶ 10, 790 A.2d 603, 606. Furthermore, the jury is allowed to draw all reasonable inferences from circumstantial evidence, and a conviction based on circumstantial evidence is not less conclusive. *See Rice*, 2007 ME 122, ¶ 30, 930 A.2d at 1070.

The entry is:

Judgment affirmed.

---

**Attorney for Gary Goldsmith:**

John Alsop, Esq.  
Alsop & Mohlar  
PO Box 189  
Skowhegan, Maine 04976

**Attorneys for the State of Maine:**

Every N. Fowle, District Attorney  
Brent A. Davis, Asst. Dist. Atty.  
Somerset County Courthouse  
41 Court Street  
Skowhegan, Maine 04976