

STATE OF MAINE

v.

JEFFREY DIONNE

Submitted on Briefs September 21, 2022

Decided September 29, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and
LAWRENCE, JJ.

MEMORANDUM OF DECISION

Jeffrey Dionne appeals from a judgment of conviction of disorderly conduct (Class E), 17-A M.R.S. § 501-A(1)(A)(A) (2022), and harassment (Class E), 17-A M.R.S. § 506-A(1)(A) (2022), entered by the trial court (Aroostook County, *Nelson, J.*) following a nonjury trial. Dionne was acquitted on the charge of violating a protection from abuse order (Class D), 19-A M.R.S. § 4011(1) (2022).¹ Contrary to Dionne's contention, the trial court did not render inconsistent or improper verdicts by acquitting him of violating a protection from abuse order but finding him guilty of harassment. As the court explained in its ruling, the criminal complaint charging Dionne alleged that he had violated a protection order by contacting the victim, not by harassing her. Because the State failed to prove beyond a reasonable doubt that Dionne contacted the victim as the complaint alleged, the court properly acquitted

¹ Title 19-A M.R.S. § 4011(1) has since been amended, though the amendment is not relevant in the present case. *See* P.L. 2021, ch. 432, §1 (effective Oct. 18, 2021) (codified at 19-A M.R.S. § 4011(1) (2022)).

Dionne on Count 1, but it was not barred from determining that the State had met its burden of proof beyond a reasonable doubt for harassment.

Also contrary to Dionne's contention, the evidence on the charge of disorderly conduct, 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. Dorweiler*, 2016 ME 73, ¶ 6, 143 A.3d 114.

The entry is:

Judgment affirmed.

Allan Hanson, Esq., Caribou, for appellant Jeffrey R. Dionne

Christiana Rein, Asst. Dist. Atty., Prosecutorial District No. 8, Caribou, for appellee State of Maine

Aroostook County Unified Criminal Docket docket number CR-2019-20359
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