

STATE OF MAINE

v.

STEPHEN NADEAU

Submitted on Briefs March 29, 2000
Decided April 7, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Stephen Nadeau appeals from a judgment entered in the Superior Court (Cumberland County, *Cole, J.*) following a jury verdict convicting him of Class D assault. On appeal, Nadeau contends, first, that the court erred when it admitted improper character evidence and, second, that the evidence was insufficient to support the conviction. Despite Nadeau's claims, the statements he challenges are neither general character evidence nor evidence of specific past acts that should have been barred pursuant to M.R. Civ. P. 404. These statements also do not present the type of unfair prejudice that M.R. Civ. P. 403 seeks to prevent. The Superior Court did not err when it admitted them. Nor can we accept Nadeau's challenges to the sufficiency of the evidence, as his arguments are nothing more than attacks on the credibility of the State's primary witness. Such attacks are best

addressed to the jury. *See State v. Marden*, 673 A.2d 1304, 1312 (Me. 1996). On appeal, any doubts about witness credibility will be resolved in favor of the State. *See id.* Taken in this light, the evidence was sufficient to establish beyond a reasonable doubt every element of the charge of assault.

The entry is:

Judgment affirmed.

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