

STATE OF MAINE

v.

DAVID MICHAUD

Submitted on Briefs June 27, 2000
Decided June 28, 2000

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

MEMORANDUM OF DECISION

Defendant, David Michaud, appeals from a judgment entered in the Superior Court (Piscataquis County, *Kravchuk, J.*) affirming a judgment entered in the District Court (Dover-Foxcroft, *MacMichael, J.*) following a bench trial finding him guilty of assault (Class D), 17-A M.R.S.A. § 207 (1983). Defendant contends that there was too much contradictory evidence as to the source of the alleged victim's injuries to establish beyond a reasonable doubt every element of assault. He contends that the court's findings in effect lowered the burden of proof and thus denied him his substantive due process rights. Despite defendant's characterization, his challenge is to the alleged victim's credibility, and credibility of witnesses is within the exclusive province of the factfinder. *See State v. Marden*, 673 A.2d 1304, 1312 (Me. 1996). Reviewing the evidence in the light most favorable to the State, there was sufficient evidence on which the court

could rationally find beyond a reasonable doubt every element of the offense charged. *See id.* at 1311.

The entry is:

Judgment affirmed.

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