

STATE OF MAINE

v.

WAYNE GUDREAU

Submitted on Briefs October 31, 2002

Decided November 15, 2002

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

MEMORANDUM OF DECISION

Wayne Gudreau appeals from judgment of his convictions in Superior Court (Androscoggin County, *Delahanty, J.*) on one count of theft by unauthorized taking or transfer (Class E) and one count of attempted theft by unauthorized taking or transfer (Class E) in violation of 17-A M.R.S.A. § 353 (1983). Contrary to Gudreau's contention, the evidence was sufficient to support his convictions. *State v. Crossman*, 2002 ME 28, ¶ 10, 790 A.2d 603, 606 ("The elements of any crime . . . may be proven by circumstantial evidence."). Further, the court acted within its discretion pursuant to Rules 401 and 403 of the Maine Rules of Evidence, in admitting testimony concerning Gudreau's behavior while detained.

See State v. Wright, 662 A.2d 198, 201-02 (Me. 1995) (ruling that behavior “to avoid accusation or arrest may demonstrate consciousness of guilt”).

The entry is:

Judgment affirmed.

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