

STATE OF MAINE

v.

GREGORY P. MARKOWIEC

Submitted On Briefs November 4, 2008

Decided November 18, 2008

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

MEMORANDUM OF DECISION

Gregory P. Markowiec appeals from a judgment of conviction for one count of assault (Class D), 17-A M.R.S. § 207(1)(A) (2007); one count of domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2007); and two counts of violation of conditions of release (Class E), 15 M.R.S. § 1092(1)(A) (2007), entered in the District Court (Newport, *Sparaco, J.*) following a nonjury trial. Contrary to Markowiec's contentions, the court did not clearly err in determining that the victim was competent to testify at trial. *See* M.R. Evid. 601; *State v. Cochran*, 2004 ME 138, ¶ 6, 863 A.2d 263, 265. Further, the assessment of the victim's credibility was a matter exclusively within the trial court's consideration. *See State v. Rice*, 2007 ME 122, ¶ 30, 930 A.2d 1064, 1070.

The entry is:

Judgment affirmed.

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