You are to brief State v. Brenner on Page 432-433 of the LA&W text

CASE BRIEF State v. Benner
PARTIES:
State of Maine, Plaintiff-Appellee
David Benner, Defendant-Appellant
FACTS: The defendant’s girlfriend originally complained to police that he had hit her. At trial she stated that the defendant did not hit her, but rather she hurt herself while drunk. The responding officer testified that on the night of the complaint he observed the victim to be sober, frightened, and nervous and her hand was swollen. He also observed that the defendant was drunk. Appellant was charged with assault under 17-A Me. Rev. Stat. Ann. § 207(1) (1983 & Supp. 1994).
PRIOR PROCEEDINGS: The defendant was convicted of assault in the Maine superior court (the trial court). The jury found that the circumstantial evidence was sufficient to meet the elements of assault. Defendant appealed.
ISSUE: In light of the provisions of the criminal assault statute, 17-A. Me. Rev. Stat. Ann. § 207(1) (1983 & Supp. 1994), is there sufficient evidence to support an assault conviction when the evidence includes the following:
1. the victim was home alone with the defendant;
2. the two were having an argument;
3. the victim made a complaint;
4. the victim appeared to the responding officer to be distraught, scared, and nervous;
5. the victim’s hand was swollen;
6. the defendant was intoxicated; and
7. the victim was sober?
HOLDING: Yes. The circumstantial evidence listed in the issue is sufficient to uphold a conviction for assault.
REASONING: Maine Revised Statutes Annotated Title 17-A, § 207 (1) provides that “[a] person is guilty of assault if he intentionally, knowingly, or recklessly causes bodily injury or offensive physical contact to another.” The Maine Supreme Judicial Court, in finding that the elements of assault were met in accordance with the provisions of the statute, referred to controlling case law. The court, relying on State v. Ingalls, 544 A.2d 1272, 1276 (Me. 1988), noted that a conviction may be grounded on circumstantial evidence. The court held that, viewing the evidence in the light most favorable to the state, there was sufficient circumstantial evidence to support the jury verdict.
DISPOSITION: The Maine Supreme Judicial Court affirmed the trial court judgment.