MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 13-60
Docket No. Lin-12-481

STATE OF MAINE

v.

KENNETH F. DOBSON JR.

Submitted on Briefs May 30, 2013
Decided June 4, 2013

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

MEMORANDUM OF DECISION

Kenneth F. Dobson Jr. appeals from a judgment of conviction of six counts of gross sexual assault, Class A, 17-A M.R.S. § 253(1)(B) (2012), entered in the trial court (*Hjelm, J.*) after a jury trial. Contrary to Dobson's contentions on appeal, the trial court did not commit obvious error by admitting in evidence testimony elicited by Dobson from which the jury could have inferred that Dobson was subject to a protection order and had been sought by police in a separate matter, or by failing to give a curative instruction, sua sponte. *See State v. Dolloff*, 2012 ME 130, ¶ 35, 58 A.3d 1032 (discussing obvious error); *State v. Gifford*, 595 A.2d 1049, 1052 (Me. 1991) (holding court's failure to give limiting instruction, sua sponte, concerning permitted purpose of character evidence not obvious error). There was also sufficient evidence to sustain the jury's verdict. *See State v. Moores*, 2006 ME 139, ¶ 9, 910 A.2d 373 ("A victim's testimony, by itself, is sufficient to support a guilty verdict for a sex crime or a violent crime if the testimony addresses each element of the crime and is not inherently incredible."); *State v. Finnemore*, 1997 ME 44, ¶ 9, 690 A.2d 979 ("Mere inconsistency between guilty and not guilty verdicts on separate counts of a single indictment will not render the guilty verdict invalid.")

The entry is:

Judgment affirmed.

On the briefs:

Verne E. Paradie, Jr., Esq., Paradie, Sherman, & Worden, Lewiston, for appellant Kenneth F. Dobson Jr.

Geoffrey Rushlau, District Attorney, and Andrew Wright, Asst. Dist. Atty., District VI, Lincoln County Courthouse, for appellee State of Maine

Lincoln County Superior Court docket number CR-2011-142
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