

STATE OF MAINE

v.

TYLER A. HAMBLÉN

Submitted on Briefs September 23, 2014
Decided September 25, 2014

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

MEMORANDUM OF DECISION

Tyler A. Hamblen appeals from his conviction in the trial court (*A. Murray, J.*) of one count of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2013). Contrary to Hamblen’s assertion, the statute is not unconstitutionally vague because it defines the elements of gross sexual assault “with sufficient definiteness that ordinary people can understand what conduct is prohibited.” *State v. Aboda*, 2010 ME 125, ¶ 9, 8 A.3d 719 (quotation marks omitted). Hamblen also asserts that he was denied a fair trial when the trial court excluded evidence that the thirteen-year-old victim encouraged the sexual acts in question. Because the State was only required to prove that the victim was under the age of fourteen and that Hamblen engaged in a sexual act with her, the excluded evidence was not relevant, and the court committed no clear error by excluding it. *See* 17-A M.R.S. § 253(1)(B); *Dalton v. Dalton*, 2014 ME 108, ¶¶ 16-17, --- A.3d ---; *State v. Keaten*, 390 A.2d 1043, 1044 (Me. 1978).

The entry is:

Judgment affirmed.

On the briefs:

Ferdinand A. Slater, Esq., Ellsworth, for appellant Tyler Hamblen

Carletta M. Bassano, District Attorney, and Mary N. Kellett, Asst. Dist. Atty., Prosecutorial District No. VII, Ellsworth, for appellee State of Maine

Hancock County Superior Court docket number CR-2013-61
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