

STATE OF MAINE

v.

FRANKIE INMAN-ARBO

Submitted on Briefs February 21, 2024
Decided February 29, 2024

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Frankie Inman-Arbo appeals from judgments of conviction of three counts of burglary (Class B), 17-A M.R.S. § 401(1)(B)(4)-(5) (2023); burglary (Class C), *id.* § 401(1)(A); theft (Class B), 17-A M.R.S. § 353(1)(B)(1) (2023); theft (Class C), *id.* § 353(1)(B)(6); criminal trespass (Class D), 17-A M.R.S. § 402(1)(A) (2023); criminal mischief (Class D), 17-A M.R.S. § 806(1)(A), (2) (2023); and failure to appear in court on criminal summons (Class E), 17-A M.R.S. § 15-A(4) (2023), arising from conduct committed between May and September 2020. The trial court (Penobscot County, *Ociepka, J.*) entered judgments of conviction for these crimes upon Inman-Arbo's guilty pleas, and sentenced Inman-Arbo to eight years in prison with all but five years suspended for the controlling burglary conviction and to lesser sentences running concurrently for the other crimes.

Contrary to Inman-Arbo's contentions, (1) the hearsay rules do not apply in sentencing, *see* M.R. Evid. 101(b)(6), and the court did not commit obvious error in considering reliable information presented at sentencing, *see State v. Ricker*, 2001 ME 76, ¶ 19, 770 A.2d 1021; *State v. Snow*, 2007 ME 26, ¶ 11, 916 A.2d 957; (2) the complaints alleging Class D and E crimes were filed within

three years after the charged conduct and therefore were commenced within the applicable statute of limitations, *see* 17-A M.R.S. § 8(2) (2023); and (3) the record before us does not demonstrate obvious error related to prosecutorial error or judicial bias, *see State v. Dolloff*, 2012 ME 130, ¶ 52, 58 A.3d 1032; *State v. Butsitsi*, 2015 ME 74, ¶¶ 19-23, 118 A.3d 222. Inman-Arbo's other contentions either lack support in the record or cannot be considered in this direct appeal from his judgments of conviction.¹ *See State v. Ali*, 2011 ME 122, ¶ 20, 32 A.3d 1019; 15 M.R.S. § 1028(1), (3) (2023); 34-A M.R.S. § 1208-B (2023).²

The entry is:

Judgments affirmed.

Frankie Inman-Arbo, appellant pro se

R. Christopher Almy, District Attorney, and Mark A. Rucci, Dep. Dist. Atty.,
Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket numbers CR-2020-2416, CR-2020-2507, CR-2020-30387, and CR-2020-30488

FOR CLERK REFERENCE ONLY

¹ We do not consider the materials summarized by Inman-Arbo and attached to his reply brief because they are not part of the record on appeal. *See* M.R. App. P. 5(a).

² This statute was recently amended. *See* P.L. 2023, ch. 135, § 3 (effective Oct. 25, 2023) (to be codified at 34-A M.R.S. § 1208-B(4)).