

STATE OF MAINE

v.

ROBERT WEST JR.

Submitted on Briefs December 20, 2000
Decided December 22, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Robert West Jr. appeals from a judgment of conviction on a charge of unlawful sexual contact, 17-A M.R.S.A. § 255(1)(C) (Supp. 2000), following a jury verdict in the Superior Court (Penobscot County, *Mills, J.*). West asserts that the State failed to establish that he was at least three years older than the victim, who was twelve years, ten months old at the time of the crime. Contrary to West's contentions, there was sufficient evidence in the record for the jury to conclude that West was more than three years older than the victim. *See State v. Weisbrode*, 653 A.2d 411, 415 (Me. 1995). That evidence included the jury's observations of West's physical appearance and demeanor during his testimony, *see State v. Brunette*, 501 A.2d 419, 424-25 (Me. 1985), the victim's uncontroverted testimony that West was a man "in his 30s," and West's testimony that he wore bifocal glasses, smoked, and at

one point, had a full beard. *See State v. Bickford*, 497 A.2d 138, 141 (Me. 1985).

The entry is:

Judgment affirmed.

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