

STATE OF MAINE

v.

ERNEST JALBERT

Submitted on Briefs January 17, 2002
Decided February 5, 2002

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

MEMORANDUM OF DECISION

Ernest Jalbert appeals from the judgments entered in the District Court (Bridgton, *Eggert, J.*) finding him guilty of assault (Class D), 17-A M.R.S.A. § 207(1) (1983 & Supp. 2001), and indecent conduct (Class E), 17-A M.R.S.A. § 854(1)(A)(1) (1983 & Supp. 2001), following a bench trial. Contrary to Jalbert's contentions, the court properly heard the offers of proof, *see State v. McMahan*, 2000 ME 200, ¶ 15, 761 A.2d 50, 54 ("One purpose of an offer of proof is to apprise the court of the nature of the challenged evidence before it finally rules on the issue"); *MacCormick v. MacCormick*, 478 A.2d 678, 682 (Me. 1984) (holding that it is "absolutely necessary" for the court to receive offers of proof so it can carry out "judicial responsibilities"), and there is no evidence rebutting the presumption that the court, "learned in the law[,] [rendered] its decision on the evidence in the case which is legally admissible" *Id.* at 683 (quoting *Lipman Bros. v. Hartford Accident & Indem. Co.*, 149 Me. 199, 215, 100 A.2d 246, 255

(1953)).

The entry is:

Judgment affirmed.

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