

STATE OF MAINE

v.

ROBERT W. OSBORNE

Submitted on Briefs May 17, 2007
Decided May 24, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, CALKINS, LEVY, SILVER, and
MEAD, JJ.

MEMORANDUM OF DECISION

Robert W. Osborne appeals from a judgment of conviction on five counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2006), entered after a jury trial in the Superior Court (Waldo County, *Mills, J.*). Contrary to Osborne's contentions, the Superior Court did not commit obvious error by admitting testimony regarding an uncharged, prior sexual assault that Osborne committed against the same victim. *See State v. Lambert*, 528 A.2d 890, 893 (Me. 1987); *State v. DeLong*, 505 A.2d 803, 805 (Me. 1986); M.R. Evid. 103(e); M.R. Crim. P. 52(b). Furthermore, the evidence when viewed in the light most favorable to the

State was sufficient for a fact-finder to rationally find each element of the offense beyond a reasonable doubt. *See State v. Moores*, 2006 ME 139, ¶¶ 7-10, 910 A.2d 373, 375-76.

The entry is:

Judgment affirmed.

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