

STATE OF MAINE

v.

ANDREW FORBIS

Submitted on Briefs January 24, 2008
Decided February 5, 2008

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Andrew Forbis appeals from a judgment of conviction of three counts of unlawful sexual contact (Class B), 17-A M.R.S. § 255-A(1)(F) (2007), entered in the Superior Court (Cumberland County, *Crowley, J.*) upon jury verdicts finding him guilty. Contrary to Forbis's contention, the evidence was sufficient to allow the jury to rationally find each element of the offenses beyond a reasonable doubt. *See State v. Nugent*, 2007 ME 44, ¶ 10, 917 A.2d 127, 130; *State v. Kaler*, 1997 ME 62, ¶ 8, 691 A.2d 1226, 1230 (inconsistencies or confusion do not render testimony inherently incredible).

The trial court’s limiting instruction concerning a statement made by the victim, elicited through the testimony of her mother, ensured that the statement was admitted for the proper purpose of impeachment, and not as substantive evidence against Forbis. *See State v. Bennett*, 658 A.2d 1058, 1063 (Me. 1995) (“[U]nless there is evidence to the contrary, we assume that the jury followed the trial court’s instructions.”). Furthermore, under an exception to the hearsay rule, the statement was independently admissible as the victim’s then existing state of mind. M.R. Evid. 803(3).

The entry is:

Judgment affirmed.

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