

STATE OF MAINE

v.

JON THIBEAULT

Submitted on Briefs January 24, 2008  
Decided March 18, 2008

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

MEMORANDUM OF DECISION

Jon Thibeault appeals from a judgment of conviction of ten counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2007), entered in the Superior Court (York County, *Brennan, J.*) upon a jury verdict finding him guilty. The court did not obviously err in admitting in evidence a drawing made by the victim. *State v. McLaughlin*, 567 A.2d 82, 83 (Me. 1989). Nor did the court obviously err in admitting a colloquy between the prosecutor and victim concerning the victim's hearing loss. *State v. Miller*, 1999 ME 182, ¶ 6 n.4, 741 A.2d 448, 450. There was also sufficient evidence such that the jury rationally could have found beyond a reasonable doubt every element of the offenses charged. *State v. Rice*, 2007 ME

122, ¶ 30, 930 A.2d 1064, 1070. Contrary to Thibeault's contentions, the court did not abuse its discretion in considering the aggravating and mitigating factors that it did regarding his sentence. *State v. Schofield*, 2006 ME 101, ¶ 13, 904 A.2d 409, 415. Thibeault's ineffective assistance of counsel claim is not properly before us, and so we do not consider it. *State v. Nichols*, 1997 ME 178, ¶ 4, 698 A.2d 521, 522.

The entry is:

Judgment affirmed.

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**Attorney for Jon Thibeault:**

Sharon D. Ward, Esq.  
McGarry & Holmes, LLC.  
PO Box 1647  
Wells, Maine 04090

**Attorney for the State of Maine:**

Mark W. Lawrence, District Attorney  
York County Courthouse  
Alfred, Maine 04002