

STATE OF MAINE

v.

JERE HUMPHREY

Submitted on Briefs September 30, 2009

Decided October 6, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,  
GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Jere Humphrey appeals from a judgment of conviction of domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2008), entered after a trial in the District Court (Presque Isle, *O'Mara, J.*). Contrary to Humphrey's contentions: (1) the court did not err in sustaining an objection to questions regarding whether the witness had received mental health treatment because Humphrey failed to lay a foundation showing its relevance to the witness's ability to perceive, recall, or testify, *see State v. Heald*, 393 A.2d 537, 540 (Me. 1978); (2) 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. Basu*, 2005 ME 74, ¶ 20, 875 A.2d 686, 692; and (3) the court did not err in ordering restitution because the State met its burden of showing loss and causation, and Humphrey failed in his burden to demonstrate excessive financial hardship, *see* 17-A M.R.S. § 1325 (2008); *State v. Berube*, 1997 ME 165, ¶ 19, 698 A.2d 509, 515-16.

The entry is:

Judgment affirmed.

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Presque Isle District Court docket number CR-2008-165  
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