

STATE OF MAINE

v.

JERRY BANKS

Submitted On Briefs October 14, 2009

Decided November 3, 2009

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

MEMORANDUM OF DECISION

Jerry Banks appeals from a judgment of conviction of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(C) (2008), and unlawful sexual contact (Class A), 17-A M.R.S. § 255-A(1)(F-1) (2008) by the Superior Court (Aroostook County, *Cuddy J.*). Contrary to Banks’s contention, the court did not commit obvious error by allowing the detective to offer expert testimony to explain an inconsistency in the victim’s testimony. *See State v. Black*, 537 A.2d 1154, 1156 (Me. 1988) (stating that expert testimony is admissible to “assist the trier of fact in understanding an inconsistency in the victim’s conduct or testimony only to rebut an express or implied defense assertion that such inconsistency makes it improbable that either a crime was committed or that this defendant committed the crime”); *see also Cooke v. Naylor*, 573 A.2d 376, 378 (Me. 1990) (upholding expert testimony on similar grounds); *State v. Preston*, 581 A.2d 404, 407 (Me. 1990).

The entry is:

Judgment affirmed.

Attorney for Jerry Banks:

Matthew A. Hunter, Esq.
PO Box 430
Presque Isle, Maine 04769

Attorney for the State of Maine:

Neale T. Adams, District Attorney
Carrie L. Linthicum, Asst. Dist. Atty.
27 Riverside Drive
Presque Isle, Maine 04769

Aroostook County Superior Court (Caribou) docket number CR-2006-555
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