

STATE OF MAINE

v.

MARC ALBERI

Submitted on Briefs September 27, 2011
Decided September 29, 2011

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

MEMORANDUM OF DECISION

Marc Alberi appeals from a judgment of conviction, entered in the District Court (Newport, *Sparaco, J.*) following a trial, of prohibited contact with a minor (Class E), 17-A M.R.S. § 261(1)(C) (2010). Contrary to Alberi's contentions, he failed to establish that section 261(1) violates the First Amendment of the United States Constitution. *Cf. State v. Elliott*, 2010 ME 3, ¶ 18, 987 A.2d 513 (holding that a statute constraining the right to travel was constitutional because it bore a rational relationship with a legitimate governmental purpose). The trial court did not err in interpreting section 261(1) to prohibit Alberi from initiating not just the first contact with the minor, but also subsequent contacts. *See State v. Severy*, 2010 ME 126, ¶ 8, 8 A.3d. 715 (noting that the standard of review of decisions pertaining to statutory interpretation is *de novo*). Furthermore, there was sufficient evidence in the record to support the court's finding that Alberi initiated multiple contacts with the minor. *See id.* (noting that on a sufficiency of the evidence challenge we review "the evidence in the light most favorable to the State to determine whether the trier of fact rationally could have found beyond a reasonable doubt every element of the offense charged") (quotation marks omitted).

The entry is:

Judgment affirmed.

On the briefs:

Stephen C. Smith, Esq., Bangor, for appellant Marc Alberi

R. Christopher Almy, District Attorney, and Hunter Umphrey,
Student Intern, Prosecutorial District V, Bangor, for appellee
State of Maine

Newport District Court docket number CR-2010-659
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