

STATE OF MAINE

v.

MICHAEL ROBERTS

Submitted on Briefs November 21, 2000  
Decided December 5, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Michael Roberts appeals from a judgment of the Superior Court (Androscoggin County, *Delahanty, J.*) following a jury verdict finding him guilty of attempted gross sexual assault (Class B) in violation of 17-A M.R.S.A. §§ 152 & 253 (1983 & Supp. 2000). On appeal, Roberts contends that there was insufficient evidence to support the conviction and that the court: (1) abused its discretion by admitting a knife found on Roberts at the time of the search; (2) committed obvious error when it admitted, without objection, an adult magazine found at the scene;<sup>1</sup> and (3) committed obvious error in its jury instructions on the issue of intoxication.

Considering Roberts's claim of lack of recollection of the incident and lack of predisposition to attempt a forcible rape, the knife was properly admitted. M.R. Evid. 401, 402. There was no obvious error in admission of the magazine or the jury instructions, *see State v. Young*, 2000 ME 144, ¶ 5,

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1. Only a photo of the front cover of the magazine was included with the exhibits given to the jury.

755 A.2d 547, 548, and the evidence was more than sufficient to support the conviction.

The entry is:

Judgment affirmed.

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