

STATE OF MAINE

v.

CLAY CHRISTENSEN

Argued November 12, 2002  
Decided November 18, 2002

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

MEMORANDUM OF DECISION

Clay Christensen appeals from a judgment of conviction for violating a Maine Civil Rights Act injunction (Class D), 5 M.R.S.A. § 4681 (2002), entered after a trial in District Court (Calais, *Romei, J.*). Contrary to Christensen's contentions, (1) the court did not abuse its discretion in admitting testimony concerning Christensen's prior racially-motivated assault on the victim, *see State v. Ilsley*, 595 A.2d 421, 423-24 (Me. 1991), and in considering that testimony as evidence of the motivation behind Christensen's later conduct; (2) his sentence is not reviewable on direct appeal, *see State v. Pineo*, 2002 ME 93, ¶ 11, 798 A.2d

1093, 1098; (3) the court's finding that Christensen's communications with the victim were racially motivated makes it unnecessary to decide whether a mere communication regardless of motive would have supported the conviction; and (4) the trial judge did not commit obvious error in failing to recuse himself before sentencing, *see State v. Rameau*, 685 A.2d 761, 763 (Me. 1996).

The entry is:

Judgment affirmed.

---

Attorneys for State:

G. Steven Rowe, Attorney General  
Carlos Diaz, Asst. Attorney General (orally)  
6 State House Station  
Augusta, ME 04333-0006

Attorney for defendant:

Jeffrey M. Silverstein, Esq. (orally)  
Billings & Silverstein  
P O box 1445  
Bangor, ME 04402-1445