

STATE OF MAINE

v.

JED R. MIDDLETON

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

Jed R. Middleton appeals a judgment of conviction, entered in the Superior Court (Sagadahoc County, *Horton, J.*) following a jury trial, of fifteen counts of unlawful sexual contact (Class C), 17-A M.R.S. § 255(1)(C) (Supp. 1993),¹ and one count of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (Supp. 1992).² Contrary to Middleton's contentions, the court did not abuse its discretion in admitting evidence of his sexual acts with the victim that occurred before the date of the first act alleged in the indictment, *see* M.R. Evid. 403; *State v. Krieger*, 2002 ME 139, ¶ 8, 803 A.2d 1026; *State v. DeLong*, 505 A.2d 803, 805-06 (Me. 1986), or in admitting evidence of Middleton's reaction to a letter written by the victim several years after the abuse ended, *see* M.R. Evid. 403; *DeLong*, 505 A.2d at 806.

¹ Title 17-A M.R.S. § 255 (Supp. 1993) was repealed and replaced by P.L. 2001, ch. 383, §§ 22, 23 (effective Jan. 31, 2003) and has since been amended several times, most recently by P.L. 2007, ch. 102, §§ 2, 3 (effective Sept. 20, 2007) (codified at 17-A M.R.S. § 255-A (2010)), but none of the amendments affects this appeal.

² 17-A M.R.S. § 253(1)(B) (Supp. 1992), has since been amended, P.L. 2001, ch. 383, § 14 (effective Jan. 31, 2003) (codified at 17-A M.R.S. § 253(1)(B) (2010)), but the amendment does not affect this appeal.

The entry is:

Judgment affirmed.

On the briefs:

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appellant Jed R. Middleton

Geoffrey A. Rushlau, District Attorney, and Patricia A. Mador,
Asst. Dist. Atty., Bath, for appellee State of Maine