

STATE OF MAINE

v.

PAUL D. TRACY

Submitted on Briefs December 1, 2011

Decided December 6, 2011

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

MEMORANDUM OF DECISION

Paul D. Tracy appeals from a judgment of the Superior Court (Franklin County, *Murphy, J.*) following a jury verdict finding him guilty of eleven counts of gross sexual assault (Class B), 17-A M.R.S. § 253(2)(H) (2010) and eleven counts of unlawful sexual contact (Class C), 17-A M.R.S. § 255A-(1)(M) (2010). Contrary to his arguments, the evidence was sufficient to support the jury's verdict. *See State v. Poblete*, 2010 ME 37, ¶ 30, 993 A.2d 1104.

Contrary to Tracy's arguments, the court did not abuse its discretion in denying his motion for a mistrial or in reinstructing the jury on the issue of the timing of the alleged offenses. *See State v. Dumas*, 2010 ME 57, ¶¶ 19-22, 997 A.2d 760 (explaining that denial of a motion for a mistrial was proper where the court provided a curative instruction, there was no evidence of prosecutorial misconduct, and the circumstances were not exceptionally prejudicial); *State v. Huntley*, 681 A.2d 10, 14 (Me. 1996) (viewing jury instructions as a whole and finding that where the completeness and correctness of the initial jury instruction was not challenged, reinstruction did not confuse the jury).

The entry is:

Judgment affirmed.

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**On the briefs:**

George A. Hess, Esq., Lewiston, for appellant Paul D. Tracy

Andrew S. Robinson, Asst. Dist. Atty., Franklin County District Attorney's  
Office, Farmington, for appellee State of Maine

Franklin County Superior Court docket number CR-2008-333  
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