

STATE OF MAINE

v.

CHRISTOPHER CURIT

Argued May 11, 2011
Decided May 31, 2011

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

MEMORANDUM OF DECISION

Christopher Curit appeals from judgments of conviction of eleven counts of gross sexual assault (Class B), 17-A M.R.S. § 253(2)(H) (2010), entered on the Unified Criminal Docket (Cumberland County, *MG Kennedy, J.*) upon a jury verdict finding him guilty. Contrary to Curit's contentions, the court did not abuse its discretion in admitting mobile phone records pursuant to the business records exception to the hearsay rule, *see* M.R. Evid. 803(6); *Bank of Am., N.A. v. Barr*, 2010 ME 124, ¶¶ 17-19, 9 A.3d 816, 820-21; *State v. Hager*, 691 A.2d 1191, 1193-94 (Me. 1996); *State v. Briggs*, 520 A.2d 706, 708 (Me. 1987), or declining to exclude those mobile phone records as a discovery sanction, U.C.D.R.P.-Cumberland County 16(d); *State v. McCurdy*, 2002 ME 66, ¶ 12, 795 A.2d 84, 88-89; *State v. Sargent*, 656 A.2d 1196, 1199 (Me. 1995). Nor did the court err or abuse its discretion in excluding evidence concerning the human papilloma virus because the evidence would confuse the jury, *see* M.R. Evid. 403; *State v. Robinson*, 2002 ME 136, ¶ 15, 803 A.2d 452, 457-58. Finally, there was competent evidence from which the jury rationally could have found each element of gross sexual assault beyond a reasonable doubt. *See* 17-A M.R.S. § 253(2)(H); *State v. Severy*, 2010 ME 126, ¶ 8, 8 A.3d 715, 717.

The entry is:

Judgment affirmed.

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