

STATE OF MAINE

v.

RICHARD KEATON

Submitted on Briefs June 1, 2011

Decided June 9, 2011

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

#### MEMORANDUM OF DECISION

Richard Keaton appeals from a judgment of conviction of one count of sexual abuse of a minor (Class C), 17-A M.R.S. § 254(1)(A-2) (2010), and one count of furnishing liquor to a minor (Class D), 28-A M.R.S. § 2081(1)(A)(2) (2010), entered by the Superior Court (Aroostook County, *Hunter, J.*) following a jury trial. Contrary to Keaton's arguments, we find that the State did not improperly comment on Keaton's right to remain silent, *see State v. Dumas*, 2010 ME 57, ¶ 21, 22, 997 A.2d 760, 766; therefore, the court did not abuse its discretion in denying Keaton's motion for a mistrial. Further, we conclude that the investigating officer's failure to record his interview with the victim did not violate Keaton's due process rights. *See State v. St. Louis*, 2008 ME 101, ¶ 7, 951 A.2d 80, 81 (stating standard for evaluating a claim for failure to preserve evidence).

The entry is:

Judgment affirmed.

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Aroostook County Superior Court (Caribou) docket number CR-2008-2  
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