

STATE OF MAINE

v.

GINA GROSS

Submitted on Briefs July 17, 2013  
Decided July 18, 2013

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

MEMORANDUM OF DECISION

Gina Gross appeals from a judgment of conviction of burglary (Class B), 17-A M.R.S. § 401(1)(B)(4) (2012), entered by the trial court (*Campbell, J.*) following a jury trial. Contrary to Gross's contentions, (1) the evidence, viewed in the light most favorable to the State, was sufficient to rationally support the jury's verdict beyond a reasonable doubt, *see State v. Woodard*, 2013 ME 36, ¶ 19, --- A.3d ---; (2) any prejudice caused by the prosecutor's assertions of fact during his closing argument that were not supported by direct evidence was remedied by the court's curative instruction, *see State v. Dolloff*, 2012 ME 130, ¶¶ 32, 55, 58 A.3d 1032; and (3) the court was not required to give a curative instruction when the prosecutor asked the jury to draw reasonable inferences from the evidence in the same way that a witness did when the crime occurred, because that request did not constitute prosecutorial misconduct.

The entry is:

Judgment affirmed.

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**On the briefs:**

Charles F. Budd, Esq., and Colin E. Howard, Esq., Rudman  
Winchell, Bangor, for appellant Gina Gross

R. Christopher Almy, District Attorney, and Tracy Collins  
Lacher, Asst. Dist. Atty., Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2012-2845  
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