

STATE OF MAINE

v.

JOSEPH E. MARQUIS

Argued February 11, 2016
Decided February 16, 2016

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

MEMORANDUM OF DECISION

Joseph E. Marquis appeals from a judgment of conviction for one count of domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2015) entered after a jury trial (York County, *O'Neil, J.*).

Contrary to Marquis's contentions, the court did not abuse its discretion by allowing the State to cross-examine him about whether he believed the circumstances made it reasonable for him to assault the victim, *see* 17-A M.R.S. § 105 (2015); *State v. Dolloff*, 2012 ME 130, ¶ 24, 58 A.3d 1032; the court did not commit clear error by admitting hearsay evidence of the victim's statement to a police officer as an excited utterance, *see* M.R. Evid. 803(2); *State v. Metzger*, 2010 ME 67, ¶¶ 9-10, 999 A.2d 947; and the prosecutor did not engage in prosecutorial misconduct during closing argument, *see State v. Hassan*, 2013 ME 98, ¶ 34, 82 A.3d 86.

The entry is:

Judgment affirmed.

On the briefs:

Brett N. Gabor, Esq., Hallett, Zerillo & Whipple P.A., Portland,
for appellant Joseph E. Marquis

Kathryn Loftus Slattery, District Attorney, and Anne Marie
Pazar, Esq., Prosecutorial District #1, Alfred, for appellee State
of Maine

At oral argument:

Brett N. Gabor, Esq., for appellant Joseph E. Marquis

Shira Burns, Asst. Dist. Atty., Prosecutorial District #1, Alfred,
for appellee State of Maine