

STATE OF MAINE

v.

KIRK E. GOULD

Argued February 8, 2017
Decided April 20, 2017

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

MEMORANDUM OF DECISION

On July 23, 2009, Kirk E. Gould was found guilty of two counts of gross sexual assault, 17-A M.R.S. § 253(1)(B), (2)(H) (2016). On August 26, 2009, the court (Aroostook County, *Hunter, J.*) sentenced Gould to twenty-five years of imprisonment with all but twelve years suspended and four years of probation, together with conditions of probation, on Count I. On Count II, the court sentenced Gould to ten years of imprisonment, to be served concurrently with the sentence on Count I.

Gould appeals from the court's denial of his motion to modify a condition of probation. 17-A M.R.S. § 1202(2) (2016). At the time the motion was filed and acted upon by the court, Gould was in execution of the unsuspended portion of his sentence and his probationary period had not yet commenced, *see* 17-A M.R.S. § 1203(1-A) (2016). Gould was therefore not entitled to relief pursuant to section 1202(2). We accordingly affirm.

The entry is:

Judgment affirmed

Tina Heather Nadeau, Esq. (orally), The Law Office of Tina Heather Nadeau, PLLC, Portland, for appellant Kirk E. Gould

Todd R. Collins, District Attorney, Kurt A. Kafferlin, Asst. Dist. Atty., and James G. Mitchell, Jr., Asst. Dist. Atty. (orally), 8th Prosecutorial District, Houlton, for appellee State of Maine

Aroostook County Superior Court docket numbers CR-2007-37 and -45
FOR CLERK REFERENCE ONLY