

STATE OF MAINE

v.

KEVIN S. AYER SR.

Submitted on Briefs May 25, 2017
Decided August 22, 2017

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

MEMORANDUM OF DECISION

Kevin S. Ayer Sr. appeals from a judgment of conviction of three counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(C) (2016), and one count of unlawful sexual contact (Class A), 17-A M.R.S. § 255-A(1)(F-1) (2016), entered by the trial court (Androscoggin County, *L. Walker, J.*) after a jury trial. Contrary to Ayer's contention, the court appropriately deferred ruling on an evidentiary issue regarding alleged markings on Ayer's body. Because no evidence related to those markings was presented at trial and Ayer did not request a ruling on the issue, no error occurred. *See* M.R.U. Crim. P. 12(c); *State v. Perkins*, 2014 ME 159, ¶¶ 10-12, 107 A.3d 636; *State v. Pabon*, 2011 ME 100, ¶¶ 18, 29, 35, 28 A.3d 1147; *State v. Billadeau*, 597 A.2d 414, 415-16 (Me. 1991). We also discern no illegality in the court's sentencing process. *See State v. Ormsby*, 2013 ME 88, ¶ 39, 81 A.3d 336; *State v. Grindle*, 2008 ME 38, ¶¶ 10-19, 26, 942 A.2d 673.

The entry is:

Judgment affirmed.

Rory A. McNamara, Esq., Drake Law, LLC, Berwick, for appellant Kevin S. Ayer Sr.

Andrew S. Robinson, District Attorney, Lisa R. Bogue, Asst. Dist. Atty., and Michael B. Dumas, Asst. Dist. Atty., Prosecutorial District #3, Lewiston, for appellee State of Maine

Androscoggin County Superior Court docket number CR-2013-1313
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