

STATE OF MAINE

v.

RODNEY O. GASKELL

Argued June 12, 2018;
Decided June 19, 2018

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

MEMORANDUM OF DECISION

Rodney O. Gaskell appeals from a judgment of conviction for assault (Class D), 17-A M.R.S. § 207(1)(A) (2017), entered by the trial court (Penobscot County, *Anderson, J.*) after a jury trial. Gaskell argues that certain statements made by the prosecutor during the State's closing argument and rebuttal constituted prosecutorial misconduct. Because Gaskell did not object to the prosecutor's statements at trial, we review for obvious error. *See* M.R.U. Crim P. 52(b); *State v. Dolloff*, 2012 ME 130, ¶ 35, 58 A.3d 1032. Contrary to Gaskell's contentions, even if the prosecutor's statements were improper, the court did not commit obvious error when it took no action *sua sponte* in response. *See State v. Tarbox*, 2017 ME 71, ¶¶ 13-14, 158 A.3d 957.

The entry is:

Judgment affirmed.

Erik T. Crocker, Esq. (orally), Farrell, Rosenblatt & Russell, Bangor, for appellant
Rodney O. Gaskell

R. Christopher Almy, District Attorney and Mark A. Rucci, Asst. Dist. Atty. (orally),
Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2017-20109
FOR CLERK REFERENCE ONLY