

STATE OF MAINE

v.

GREGORY S. OLAH

Submitted on Briefs September 10, 2019
Decided January 30, 2020

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

MEMORANDUM OF DECISION

Gregory S. Olah appeals from a judgment of conviction of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B) (Supp. 2002), and unlawful sexual contact (Class C), 17-A M.R.S.A. § 255(1)(C) (Supp. 2002), entered in the trial court (Aroostook County, *Stewart, J.*). In this second appeal, *see State v. Olah (Olah I)*, 2018 ME 56, 184 A.3d 360, Olah argues that the court applied an incorrect legal standard in analyzing his motion for a new trial or, in the alternative, that the court erred by denying his motion even pursuant to the correct standard.

Contrary to Olah's contentions, in one of its two alternative analytical tracks, the trial court evaluated Olah's motion in accordance with the correct legal standard: whether there was a reasonable probability that pretrial disclosure of the victim's mental health counseling records would have changed the outcome of the trial. *See Olah I*, 2018 ME 56, ¶ 40, 184 A.3d 360; *see also Pennsylvania v. Ritchie*, 480 U.S. 39, 56-61 (1987). Moreover, the court's

* Although Justice Hjelm participated in the appeal, he retired before this memorandum of decision was certified.

decision to deny the motion after applying that standard did not involve clearly erroneous factual findings or an abuse of discretion. *See State v. McNaughton*, 2017 ME 173, ¶ 45, 168 A.3d 807.

The entry is:

Judgment affirmed.

Gene Sullivan Jr., Esq., Bangor, for appellant Gregory Olah

Todd R. Collins, District Attorney, and Carrie L. Linthicum, Dep. Dist. Atty.,
Presque Isle, for appellee State of Maine

Aroostook County Superior Court docket number CR-2014-437
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