

STATE OF MAINE

v.

JERRY LYDICK

Argued September 10, 2002
Decided December 4, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Jerry Lydick appeals from the judgment of the Superior Court (Kennebec County, *Mills, C.J.*), convicting him of two counts of gross sexual assault in violation of 17-A M.R.S.A. § 253 (1983) and one count of unlawful sexual contact in violation of 17-A M.R.S.A. § 255 (1983). Contrary to Lydick's contentions: (1) the exclusion of a note he offered into evidence, if error, was harmless because the text of the note was repeatedly quoted during Lydick's questioning of witnesses, *see State v. Collins*, 456 A.2d 362, 365 (Me. 1983); (2) the victim's statements to Dr. Ricci were pertinent to his diagnosis, *see State v. Hebert*, 480 A.2d 742, 748-49 (Me. 1984); (3) the exclusion of a witness' statement that she did

not believe the victim, although admissible for its possible impact on the victim, was harmless because Lydick offered no evidence that the victim was aware of the statement, *see State v. Cloutier*, 1997 ME 96, ¶ 6, 695 A.2d 550, 552-53; (4) the evidence was both sufficient, *see State v. Harper*, 675 A.2d 495, 497 (Me. 1996), and established that the crimes occurred within the statute of limitations, *see State v. Carmichael*, 444 A.2d 45, 47-48 (Me. 1982); and (5) the court did not err in making the sentences concurrent with each other and consecutive to an unrelated federal conviction, *see* 17-A M.R.S.A. § 1256(2)(A) (1983).

The entry is:

Judgment affirmed.

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