

STATE OF MAINE

v.

DARREL F. CRONKHITE

Submitted on Briefs February 26, 2003
Decided March 4, 2003

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

MEMORANDUM OF DECISION

Darrel Cronkhite, appeals his conviction for assault (Class D), 17-A M.R.S.A. § 207(1) (Supp. 2001) by the District Court (Dover-Foxcroft, *Stitham, J.*). Cronkhite argues that the District Court erred in (1) admitting, over his objection, testimony by police officers as to statements by the victim, who did not testify; and (2) considering at sentencing certain statements by the State regarding Cronkhite's prior record.

The police officers' testimony about the victim's statements was properly admitted as excited utterances. M.R. Evid. 803(2); *State v. Robinson*, 2001 ME 83, 773 A.2d 445. Cronkhite's other claims of error are not supported by the record.

The entry is:

Judgment affirmed.

Attorneys for State:

R. Christopher Almy, District Attorney
C. Daniel Wood, Asst. Dist. Atty.
97 Hammond Street
Bangor, ME 04401

For defendant:

Darrell F. Cronkhite
P O Box 637
Corinth, ME 04427