

STATE OF MAINE

v.

RANDY DINSMORE

Submitted on Briefs December 13, 2002
Decided January 10, 2003

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

MEMORANDUM OF DECISION

Randy Dinsmore appeals from judgments of conviction for assault (Class C), 17-A M.R.S.A. § 207 (1983 & Supp. 2002), and operating a motor vehicle while under the influence (Class D), 29-A M.R.S.A. § 2411(1) (1996), entered in the Superior Court (Penobscot County, *Mead, J.*) following a jury trial. Contrary to Dinsmore's contentions, the prosecutor's summary of a witness's testimony during closing arguments did not constitute prosecutorial misconduct, *see State v. Herbest*, 551 A.2d 442, 445 (Me. 1988), and the instruction given by the court was adequate to cure any prejudice to Dinsmore that may have resulted. *State v. Hilton*, 431 A.2d 1296, 1302 (Me. 1981). Nor did the court act beyond its

discretion in denying Dinsmore's motion to dismiss the indictment against him based on an alleged violation of his right to a speedy trial. *United States v. Ewell*, 383 U.S. 116, 122 (1966); *State v. Hider*, 1998 ME 203, ¶ 16, 715 A.2d 942, 947.

The entry is:

Judgment affirmed.

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