

STATE OF MAINE

v.

STEVEN GUAY

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

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

MEMORANDUM OF DECISION

Steven Guay appeals from a judgment entered in the Superior Court (Lincoln County, *Cole, J.*) after a jury trial convicting him of one count of gross sexual assault (Class A) in violation of 17-A M.R.S.A. § 253(1)(B) (Supp. 2002); three counts of unlawful sexual contact (Class C) in violation of 17-A M.R.S.A. § 255(C) (Supp. 2002); and one count of visual sexual aggression against a child (Class D) in violation of 17-A M.R.S.A. § 256 (Supp. 2002). Contrary to Guay's contentions, the admission of statements made by a victim through the testimony of a police detective and the victim's mother was not obvious error. *See State v. Stanton*, 1998 ME 85, ¶¶ 2, 4-5, 710 A.2d 240, 242-43 (holding details of victim's

disclosure were admissible to rebut implied charge that the mother improperly influenced the victim by using suggestive questions); *State v. Ricker*, 2001 ME 76, ¶ 12, 770 A.2d 1021, 1025 (holding testimony from police officer and DHS worker concerning the victim's report of sexual abuse were admissible to provide context for their testimony). Further, contrary to Guay's contention, it was not improper for the prosecutor to state in the State's rebuttal argument that the victims had told the truth, as the prosecutor was responding to the defendant's closing argument that suggested that the victims had been improperly influenced. *See State v. Comer*, 644 A.2d 7, 9-10 (Me. 1994).

The entry is:

Judgment affirmed.

Attorneys for State:

Geoffrey A. Rushlau, District Attorney
F. Todd Lowell, Ast. Dist. Atty.
32 High Street
Wiscasset, ME 04578

Attorney for defendant:

David Kreisler, Esq.
Daniel G. Lilley Law Offices, P.A.
P O Box 4803
Portland, ME 04112-4803