

STATE OF MAINE

v.

ROBERT HODSDON

Submitted on Briefs May 27, 2004

Decided July 27, 2004

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

MEMORANDUM OF DECISION

Robert Hodsdon appeals from judgments of conviction for gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B) (Supp. 1994), and assault (Class D), 17-A M.R.S.A. § 207(1)(A) (1983),<sup>1</sup> entered after a jury trial in Superior Court (York County, *Bradford, A.R.J.*). The events that gave rise to the trial were not reported to authorities until approximately five years after they occurred, and a trial was held approximately two years after the disclosure. Hodsdon contends that testimony, offered by a State witness to rebut an assertion by a defense witness that he did not recall a conversation, was improperly admitted because it was hearsay.

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<sup>1</sup> Title 17-A M.R.S.A. § 253(1)(B) has since been amended by P.L. 2001, ch. 383, § 14 (effective Jan. 31, 2003), *codified at* 17-A M.R.S.A. § 253(1)(B) (Supp. 2003). Title 17-A M.R.S.A. § 207 has since been amended by P.L. 2001, ch. 383, § 10 (effective Jan. 31, 2003), *codified at* 17-A M.R.S.A. § 207 (Supp. 2003).

Even if there was error in allowing testimony regarding the contents of the statement, any error was harmless. *See State v. DeMass*, 2000 ME 4, ¶ 17, 743 A.2d 233, 237. *See also State v. Lewis*, 1998 ME 83, ¶ 4, 711 A.2d 119, 121-22; *State v. Stanton*, 1998 ME 85, ¶ 5, 710 A.2d 240, 242-43. The testimony at issue was cumulative of other evidence presented in the case.

The entry is:

Judgments affirmed.

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