

STATE OF MAINE

v.

DONALD KEATING JR.

Submitted on Briefs January 13, 2004
Decided February 3, 2004

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

MEMORANDUM OF DECISION

Donald Keating Jr. appeals from his conviction of one count of gross sexual misconduct (Class A), in violation of 17-A M.R.S.A. § 253(1)(B) (1983), and ten counts of gross sexual assault (Class A), in violation of 17-A M.R.S.A. § 253(1)(B) (Supp. 2003), in Superior Court (Knox County, *Atwood, J.*). Keating contends that (1) the prosecution presented insufficient evidence to support the convictions, and (2) the court erred by admitting improper hearsay testimony.

The record reflects that the testimony of the victim included evidence to support each of the convictions. The testimony of a single witness, even if

uncorroborated, is sufficient to support a conviction when, as here, the testimony is not inherently incredible. *State v. Harper*, 675 A.2d 495, 497 (Me. 1996). The foundation for a witness's testimony under the first report rule was properly established, and the court did not abuse its discretion in allowing the testimony which did not identify a perpetrator. *See State v. Krieger*, 2002 ME 139, ¶ 18, 803 A.2d 1026, 1031.

The entry is:

Judgment affirmed.

Attorney for State:

Geoffrey A. Rushlau, District Attorney
62 Union Street
Rockland, ME 04841

Attorney for defendant:

Steven C. Peterson, Esq.
P O Box 330
West Rockport, ME 04865