

STATE OF MAINE

v.

JAMES A. RICHMAN

Submitted on Briefs March 24, 2004
Decided April 8, 2004

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

MEMORANDUM OF DECISION

James A. Richman appeals from judgments of conviction for unlawful sexual contact (Class C), in violation of 17-A M.R.S.A. § 255(1)(C) (1983 & Supp. 2003), entered in the Superior Court (Franklin County, *Jabar, J.*) following a jury trial. Contrary to Richman's contentions, the Superior Court did not act beyond its discretion (1) in limiting Richman's questioning of an investigating officer regarding a different charge brought against Richman that was subsequently dismissed, M.R. Evid. 403; *Todd v. Andalkar*, 1997 ME 59, ¶ 10, 691 A.2d 1215, 1218-19; (2) in allowing the State's primary investigating officer to remain in the courtroom during most of the trial and to testify in rebuttal regarding statements

Richman made to the investigator, *see* M.R. Evid. 615; Field & Murray, *Maine Evidence* § 403.1 at 101 and § 615.1 at 329 (2000 ed.); *State v. Patterson*, 651 A.2d 362, 367 (Me. 1994); (3) in excluding from evidence a statement ostensibly made by the victim to a third party who was not called as a witness, M.R. Evid. 801-804; and (4) in refusing to compel the victim to submit to a physical examination, and in declining Richman's request for unrestricted access to the victim's medical records, *State v. Walker*, 506 A.2d 1143, 1147 (Me. 1986). Furthermore, the Superior Court did not err when it allowed the jury to consider separate charges that all were alleged to have occurred between January 1, 2002, and August 5, 2002. *See State v. Parks*, 544 A.2d 1269, 1270-71 (Me. 1988).

The entry is:

Judgments affirmed.

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