

STATE OF MAINE

v.

DAVID DORAY JR.

Submitted on Briefs March 24, 2004
Decided April 16, 2004

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

MEMORANDUM OF DECISION

David Doray, Jr. appeals from a judgment of conviction entered in the Superior Court (Lincoln County, *Atwood, J.*) following a jury verdict finding him guilty of gross sexual assault (Class B) pursuant to 17-A M.R.S.A. § 253(2)(D) (Supp. 2003) and furnishing alcohol to a minor (Class D) pursuant to 28-A M.R.S.A. § 2081(1)(A) (Supp. 2003).¹ Contrary to Doray's assertions, the court did not act beyond its discretion in excluding testimony regarding rumors that the victim may have falsely accused another man of rape in the past. *See State v. Moon*, 2000

¹ Doray was sentenced to serve seven years in prison, with all but forty months suspended, and six years of probation.

ME 142, ¶ 7, 755 A.2d 527, 529. Nor did the court abuse its discretion by denying him the opportunity to cross-examine the victim about a reported theft from her former employer, *see State v. Tremblay*, 2003 ME 47, ¶ 24, 820 A.2d 571, 578, or by admitting hearsay testimony it determined to be within the “excited utterance” exception, *see State v. Barnes*, 2004 ME 38, ¶ 4, --- A.2d ---; M.R. Evid. 803(2). Contrary to his final assertion, the State presented sufficient evidence to support a guilty verdict on the gross sexual assault charge. *See State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027.

The entry is:

Judgment affirmed.

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