

STATE OF MAINE

v.

JOSEPH M. HARMON

Submitted on Briefs May 17, 2005
Decided May 24, 2005

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

MEMORANDUM OF DECISION

Joseph M. Harmon appeals from a conviction in the Superior Court (Penobscot County, *Horton, J.*) upon a jury verdict finding him guilty of six counts of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B), (4) (Supp. 2001),¹ and five counts of unlawful sexual contact (Class C), 17-A M.R.S.A. § 255(1)(C), (2) (Supp. 2001).² He also appeals from the court's denial of his motion for a new trial without conducting an evidentiary hearing. Contrary to Harmon's

¹ Section 253(1)(B) has since been amended. P.L. 2001, ch. 383, § 14 (effective January 31, 2003) (codified at 17-A M.R.S.A. § 253(1)(B) (Supp. 2004)).

² Section 255 was repealed effective January 31, 2003, P.L. 2001, ch. 383, § 22, and has since been replaced with 17-A M.R.S.A. § 255-A (Supp. 2004).

contentions, the court did not commit obvious error, *see State v. Barnes*, 2004 ME 105, ¶ 5, 854 A.2d 208, 209-10, in excluding testimony that would suggest an alternative suspect or the motive or bias of the accusing witnesses, *see M.R. Evid.* 403, 412(b)(3); *State v. Robinson*, 2002 ME 136, ¶¶ 12-15, 803 A.2d 452, 457-58, or in failing to conduct an evidentiary hearing on his motion for a new trial, *see State v. Nichols*, 1997 ME 178, ¶ 4, 698 A.2d 521, 522.

The entry is:

Judgment affirmed.

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