

STATE OF MAINE

v.

RONNIE R. CURTIS

Submitted on Briefs March 24, 2005
Decided April 20, 2005

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

MEMORANDUM OF DECISION

Ronnie R. Curtis appeals from a judgment of conviction entered by the Superior Court (Penobscot County, *Mead, J.*), after a jury found him guilty of four counts of sexual abuse of a minor (Class C), 17-A M.R.S.A. § 254(1)(A), (3)(A) (Supp. 1997).¹ Curtis contends that the trial court: (1) erred in limiting evidence of the victim's sexual conduct, offered to show a reasonable mistake of fact as to the victim's age, 17-A M.R.S.A. § 254(2) (Supp. 1997), to testimony from Curtis as to what he directly observed; (2) allowed inadmissible hearsay testimony regarding

¹ Title 17-A M.R.S.A. § 254 (Supp. 1997) has since been amended by P.L. 2001, ch. 383, § 21 (effective January 31, 2003), and P.L. 2003, ch. 138, §§ 2-4 (effective September 13, 2003) (codified at 17-A M.R.S.A. § 254 (Supp. 2004)).

the victim's first report of sexual contact to her friend; and (3) acted outside its discretion when it allowed the State to refresh the victim's memory of the dates on which the sexual contact occurred.

Contrary to Curtis's contentions: (1) Curtis's offer of proof regarding other evidence of the victim's sexual conduct was insufficient to require an exception to M.R. Evid. 412, because the proffered evidence was not probative of whether Curtis acted with a mistaken belief as to the victim's age; (2) the evidence of the first report did not go beyond the bounds of evidence that we have allowed in cases such as *State v. Krieger*, 2002 ME 139, ¶ 18, 803 A.2d 1026, 1031; and (3) the court did not act outside the range of its discretion in allowing the State to refresh the victim's recollection of the dates of Curtis's sexual acts with notes she had sent to a friend.

The entry is:

Judgment affirmed.

Attorney for State:

R. Christopher Almy, District Attorney
C. Daniel Wood, Asst. Dist. Attorney
97 Hammond Street
Bangor, ME 04401

Attorney for defendant:

James C. Beardsley, Esq.
Rudman & Winchell

P.O. Box 1401
Bangor, ME 04402-1401