

STATE OF MAINE

v.

NATHAN W. GERRY

Submitted on Briefs January 20, 2006  
Decided January 27, 2006

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

MEMORANDUM OF DECISION

Nathan W. Gerry appeals from a judgment of conviction of two counts of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B) (Supp. 2005), entered in the Superior Court (Somerset County, *Studstrup, J.*) after a second jury trial. Contrary to Gerry's contentions, the court did not abuse its discretion or violate his due process rights when it admitted testimony by Dr. Lawrence Ricci, despite Gerry's assertion that the testimony was barred by the court's ruling in limine, *see State v. Brackett*, 2000 ME 54, ¶ 7, 754 A.2d 337, 339; *State v. Forbis*, 2004 ME 110, ¶ 7, 856 A.2d 621, 623; the court did not abuse its discretion in concluding that Ricci's testimony was not inadmissible under M.R. Evid. 403, *see State v.*

*Roman*, 622 A.2d 96, 99-100 (Me. 1993); and Gerry waived his double jeopardy claim by failing to raise it before the second trial, *see State v. Soule*, 2002 ME 51, ¶ 10, 794 A.2d 58, 61-62.

The entry is:

Judgment affirmed.

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