

STATE OF MAINE

v.

VLADIMIR ALPHONSE

Submitted on Briefs February 27, 2006
Decided March 30, 2006

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

MEMORANDUM OF DECISION

Vladimir Alphonse appeals from a judgment of conviction of gross sexual assault (Class B), 17-A M.R.S.A. § 253(2)(D) (Supp. 2000), entered by the Superior Court (Aroostook County, *Hunter, J.*) after a jury trial. Alphonse contends that in closing argument to the jury, the State made improper comments concerning Alphonse's citizenship, which denied Alphonse a fair trial. After the State's comments, Alphonse promptly asked for a side bar conference and objected to the State's comments. The court sustained the objection, and immediately gave the jury an appropriate corrective instruction. Where, as here, the court sustains an objection and gives a curative instruction, and no other relief is requested by a

defendant, the objectionable comments and curative instructions are reviewed only for obvious error. *See State v. Eastman*, 1997 ME 39, ¶ 14, 691 A.2d 179, 183-84. We find no obvious error here. *See State v. Young*, 2000 ME 144, ¶ 5, 755 A.2d 547, 548.

The entry is:

Judgment affirmed.

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