

STATE OF MAINE

v.

GREGORY A. MAKER

Submitted on Briefs January 11, 2007
Decided February 6, 2007

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

MEMORANDUM OF DECISION

Gregory A. Maker appeals from a judgment of conviction on three counts of unlawful sexual contact (Classes C, D, and E), 17-A M.R.S.A. §§ 255(1)(C) (Supp. 1999), 255(1)(F) (Supp. 1997), 255(1)(J) (Supp. 1999),¹ entered in the Superior Court (Washington County, *Hunter, J.*) following a jury trial. Maker raises numerous issues on appeal, and we address them in turn.

Contrary to Maker's contentions, the court did not abuse its discretion in denying his motion for relief from prejudicial joinder, *see State v. Brown*,

¹ Title 17-A M.R.S.A. § 255 has since been repealed and replaced by P.L. 2001, ch. 383, §§ 22, 23 (effective Jan. 31, 2003) and amended by P.L. 2005, ch. 450, §§ 1, 2 (effective Sept. 17, 2005) (codified at 17-A M.R.S. § 255-A (2006)).

1998 ME 129, ¶ 9, 712 A.2d 513, 516; in denying Maker's motion for a bill of particulars, *see State v. Ardolino*, 1997 ME 141, ¶ 5, 697 A.2d 73, 76; in denying Maker's motion to dismiss the indictment based on the grand jury foreperson's alleged bias against Maker, *see M.R. Crim. P. 6(b)(2)*; or in denying Maker's motion for a mistrial based upon the court reporter's failure to properly prepare grand jury transcripts by the time of trial, *see State v. Doody*, 432 A.2d 399, 401-02 (Me. 1981).

The court also did not abuse its discretion in admitting evidence regarding Maker's relationship with one of the victims, *see State v. DeMotte*, 669 A.2d 1331, 1335 (Me. 1996); in refusing to admit reputation evidence regarding one of the victims, *see State v. Ricker*, 2001 ME 76, ¶ 8, 770 A.2d 1021, 1024; in admitting testimony of statements by Maker about a prior incident, *see State v. Krieger*, 2002 ME 139, ¶ 9, 803 A.2d 1026, 1029-30; or in admitting testimony by a victim about the same incident, *see id.*

In charging the jury, the court did not err in refusing Maker's request for additional jury instructions regarding the number of complainants and the statutes of limitations. *See State v. McLean*, 2002 ME 171, ¶ 17, 815 A.2d 799, 805. Finally, there was sufficient evidence from which the jury could rationally find the elements of unlawful sexual contact proven beyond a reasonable doubt with regard to each victim. *See State v. Michaud*, 1998 ME 251, ¶ 11, 724 A.2d 1222, 1228.

The entry is:

Judgment affirmed.

Attorneys for State:

Donald W. Macomber, Asst. Atty. Gen.
6 State House Station
Augusta, ME 04333-0006

Paul F. Cavanaugh, 1st Asst. Dist. Atty.
P.O. Box 333
Calais, ME 04619

Attorney for defendant:

Sandra Hylander Collier, Esq.
P.O. Box 1391
Ellsworth, ME 04605