

STATE OF MAINE

v.

JOSHUA PERRY

Submitted on Briefs November 16, 2006

Decided May 17, 2007

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

MEMORANDUM OF DECISION

Joshua Perry appeals from a judgment of conviction of sexual abuse of a minor (Class C), 17-A M.R.S. § 254(1)(A-2) (2006); violation of a protection from abuse order (Class D), 19-A M.R.S. § 4011(1)(A) (2006); furnishing liquor to a minor (Class D), 28-A M.R.S. § 2081(1)(A) (2006); furnishing a place for minors to consume liquor (Class D), 28-A M.R.S. § 2081(1)(B) (2006); and false public alarm or report (Class D), 17-A M.R.S. § 509(1)(C) (2006), entered after a jury trial in the Superior Court (Cumberland County, *Marden, J.*).

Perry contends that the jury verdict should be vacated because it was procured through prosecutorial misconduct and trial court error. We do not agree

that the trial court committed any error. *See State v. Thomes*, 1997 ME 146, ¶ 7, 697 A.2d 1262, 1264; *State v. Dube*, 522 A.2d 904, 907 (Me. 1987); *see also* Gershman, *Trial Error and Misconduct* § 1-5(d)(1) at 56 (1997). We do agree that, in some of the instances cited by Perry, the prosecutor made comments and asked questions that were improper. However, contrary to Perry's contention, they do not alone or cumulatively constitute obvious error. *See* M.R. Crim. P. 52(b); *State v. Young*, 2000 ME 144, ¶¶ 5-6, 755 A.2d 547, 548; *see generally* Robert W. Clifford, *Identifying and Preventing Improper Prosecutorial Comment in Closing Argument*, 51 Me. L. Rev. 241, 247, 267-68 (1999).

The entry is:

Judgment affirmed.

Attorneys for State:

Stephanie Anderson, District Attorney
Julia A. Sheridan, Asst. Dist. Attorney
142 Federal Street
Portland, ME 04101

Attorney for defendant:

Peter B. Bickerman, Esq.
Verrill Dana LLP
45 Memorial Circle
Augusta, ME 04332-5307