

STATE OF MAINE

v.

GARY G. LABONTE

Submitted on Briefs May 29, 2008

Decided July 31, 2008

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

MEMORANDUM OF DECISION

Gary G. Labonte appeals from judgments of conviction of four counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2007), and four counts of unlawful sexual contact (Class C), 17-A M.R.S.A. § 255(1)(C) (1983),¹ entered in the Superior Court (Androscoggin County, *Marden, J.*) upon a jury verdict finding him guilty of all counts. Contrary to Labonte's contentions, the trial court did not abuse its discretion in evidentiary rulings (1) denying his request to present evidence regarding the complainant's practices in a subsequent relationship with a boyfriend, and (2) allowing the State to present evidence of intimate practices involving Labonte and his wife that was relevant to practices reported by the complainant. *See State v. Mills*, 2006 ME 134, ¶¶ 8-9, 910 A.2d 1053, 1056-57; *State v. Robinson*, 2002 ME 136, ¶¶ 11-15, 803 A.2d 452, 456-58.

The entry is:

Judgment affirmed.

¹ Title 17-A M.R.S.A. § 255(1)(C) (1983) was subsequently repealed and replaced by 17-A M.R.S.A. § 255-A(1)(C) (Supp. 2004) (effective Jan. 31, 2003).

Attorney for Gary G. Labonte:

James F. Martemucci, Esq.
Martemucci & Topchik, LLC
PO Box 17767
Portland, Maine 04112-7767

Attorneys for the State of Maine:

Norman R. Croteau, District Attorney
Deborah Potter Cashman, Asst. Dist. Atty.
Office of the District Attorney
2 Turner Street
Auburn, Maine 04210