

STATE OF MAINE

v.

KURT W. STURTEVANT

Submitted on Briefs July 29, 2008

Decided August 5, 2008

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

MEMORANDUM OF DECISION

Kurt W. Sturtevant appeals from a judgment of conviction of one count of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(B) (Supp. 1998),<sup>1</sup> and three counts of unlawful sexual contact (Class C), 17-A M.R.S.A. § 255(1)(C) (Supp. 1998),<sup>2</sup> 17-A M.R.S. § 255-A(1)(E) (2007), entered in the Superior Court (Oxford County, *Cole, J.*) following a jury trial. Contrary to Sturtevant's contentions, we conclude: (1) the court's determination that Juror 30's impartiality was not affected by probable bias was not clearly erroneous and the court did not abuse its discretion when it denied Sturtevant's motion for a new trial, *see State v. Watts*, 2006 ME 109, ¶ 17, 907 A.2d 147, 151; *State v. Chesnel*, 1999 ME 120, ¶ 29, 734 A.2d 1131, 1140; *State v. Libby*, 485 A.2d 627, 629-30 (Me. 1984); *see also State v. Sheldon*, 2000 ME 193, ¶ 7, 760 A.2d 1083, 1085; and (2) the court did not err when it allowed the State to question him about whether he expressed disinterest post-divorce in visiting with his children, *see State v. Mills*, 2006 ME 134, ¶ 8, 910 A.2d 1053, 1056; *see also State v. Rega*, 2005 ME 5, ¶ 30, 863 A.2d

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<sup>1</sup> Title 17-A M.R.S.A. § 253(1)(B) has since been amended. P.L. 2001, ch. 383, § 14 (effective Jan. 31, 2003); P.L. 2003, ch. 711, § B-2 (effective July 30, 2004) (codified at 17-A M.R.S. § 253(1)(B) (2007)).

<sup>2</sup> Title 17-A M.R.S.A. § 255(1)(C) was repealed and replaced by P.L. 2001, ch. 383, §§ 22-23 (effective Jan. 31, 2003) (codified at 17-A M.R.S.A. § 255-A (Supp. 2003)).

917, 924 (holding the court did not abuse its discretion in admitting State's evidence on certain issues after the defense had raised the issues in its opening statement and in cross-examination, thereby opening the door and making the evidence relevant).

The entry is:

Judgment affirmed.

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