

STATE OF MAINE

v.

JASPER PANAROTTI

Submitted on Briefs April 30, 2008

Decided May 15, 2008

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

MEMORANDUM OF DECISION

Jasper Panarotti appeals from a judgment of conviction for one count of aggravated assault (Class B), 17-A M.R.S. § 208(1)(A) (2007), entered in the Superior Court (Cumberland County, *Gorman, J.*).

Contrary to Panarotti's contentions, the trial court did not commit clear error when it determined that the written statement was not admissible pursuant to M.R. Evid. 801(d)(1), because the State had not implied that Panarotti's testimony had been recently fabricated, *see State v. Parsons*, 2005 ME 69, ¶ 10, 874 A.2d 875, 879, and because Panarotti failed to make an offer of proof. Moreover, because the written statement was never placed in the record, it is impossible for us to conclude that the trial court committed obvious error in excluding the written statement pursuant to M.R. Evid. 106, *see* M.R. Evid. 103(e); *State v. Grigsby*, 666 A.2d 503, 505 (Me. 1995).

The entry is:

Judgment affirmed.

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