

STATE OF MAINE

v.

GHOBAD VERMAZANI

Argued November 10, 2009  
Decided November 19, 2009

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

MEMORANDUM OF DECISION

Ghobad Vermazani appeals from a judgment of conviction of domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2008), entered after a trial in the District Court (Bangor, *Gunther, J.*). Contrary to Vermazani's contentions: (1) the court did not err or abuse its discretion in admitting the victim's overheard out-of-court statement as an excited utterance, *see State v. Barnes*, 2004 ME 38, ¶ 4, 845 A.2d 575, 577; *State v. Gorman*, 2004 ME 90, ¶ 55, 854 A.2d 1164, 1177-78 (holding that Confrontation Clause does not bar an out-of-court testimonial statement where the declarant appears for cross-examination at trial); (2) the court did not abuse its discretion in admitting an original photograph of the victim taken at the scene, *see State v. Clark*, 2008 ME 136, ¶ 17, 954 A.2d 1066, 1071 (applying abuse of discretion standard); and (3) the evidence was sufficient for a fact-finder to rationally find each element of the offense beyond a reasonable doubt, *see State v. Ahmed*, 2006 ME 133, ¶ 21, 909 A.2d 1011, 1018-19.

The entry is:

Judgment affirmed.

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Bangor District Court docket number CR-2008-4993  
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