

STATE OF MAINE

v.

EDGAR R. REINA

Submitted on Briefs January 28, 2010

Decided February 16, 2010

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

MEMORANDUM OF DECISION

Edgar R. Reina appeals from a judgment entered in the Superior Court (Knox County, *Hjelm, J.*) after a jury trial, finding him guilty of two counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2009). Contrary to Reina's contentions, statements made by the prosecutor during closing arguments were not improper comments upon (1) Reina's failure to testify, *see State v. Roberts*, 2008 ME 112, ¶¶ 45, 47, 951 A.2d 803, 816-17 ("[T]he central question is whether the prosecutor's comment is fairly based on the facts in evidence.") (quotation marks omitted); or (2) the credibility of witnesses, *see State v. Schmidt*, 2008 ME 151, ¶¶ 16-17, 957 A.2d 80, 85 ("[A] prosecutor may attack credibility by analyzing the evidence and highlighting absurdities or discrepancies in a witness's testimony. The prosecutor is also permitted to appeal to the jury's common sense and experience . . . .") (quotation marks and internal citation omitted). Additionally, the trial court did not abuse its discretion in failing to admit a statement by Reina to a police officer pursuant to the rule of completeness because Reina's statement was neither incomplete nor presented out of context. *See State v. Parsons*, 2005 ME 69, ¶ 11, 874 A.2d 875, 879; *State v. Thibeault*, 621 A.2d 418, 421-22 (Me. 1993).

The entry is:

Judgment affirmed.

**Attorney for Edgar R. Reina:**

Hunter J. Tzovarras, Esq.  
PO Box 70  
Hampden, Maine 04444

**Attorney for the State of Maine:**

Lindsay D. Jones, Esq.  
Prosecutorial District Six  
Knox County Courthouse  
62 Union Street  
Rockland, Maine 04841

Knox County Superior Court docket number CR-2008-126  
FOR CLERK REFERENCE ONLY