

STATE OF MAINE

v.

PAUL S. JONES

Submitted on Briefs February 25, 2010  
Decided March 2, 2010

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

MEMORANDUM OF DECISION

Paul S. Jones appeals from a judgment of conviction of one count of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(A) (2009); three counts of sexual abuse of a minor (Class B), 17-A M.R.S. §§ 254(1)(A-2), 1252(4-A) (2009); and three counts of furnishing liquor to a minor (Class D), 28-A M.R.S. § 2081(1)(A)(2) (2009), entered in the Superior Court (Lincoln County, *Horton, J.*) following a jury trial. Contrary to Jones's contention, the evidence, viewed in the light most favorable to the State, was sufficient to allow the jury to find each element of the crime of gross sexual assault proved beyond a reasonable doubt. *See* 17-A M.R.S. § 253(1)(A); *State v. Tayman*, 2008 ME 177, ¶ 4, 960 A.2d 1151, 1153; *State v. Moores*, 2006 ME 139, ¶ 9, 910 A.2d 373, 376 (“A victim’s testimony, by itself, is sufficient to support a guilty verdict for a sex crime . . . if the testimony addresses each element of the crime and is not inherently incredible.”); *State v. Maizeroi*, 2000 ME 187, ¶ 17, 760 A.2d 638, 644 (stating that it is the fact-finder’s duty “to reconcile conflicting testimony, determine its relative weight and decide what part of the testimony is credible and worthy of belief” (quotation marks omitted)).

Additionally, contrary to Jones’s contention that the testimony of the victim’s mother was not admissible as non-hearsay under the “first complaint rule,” *see State v. Krieger*, 2002 ME 139, ¶ 18, 803 A.2d 1026, 1031, the court committed no error when it admitted the victim’s mother’s testimony, *see id.* ¶ 19,

803 A.2d at 1031; *State v. Weisbrode*, 653 A.2d 411, 414 (Me. 1995), because: (1) the mother did not identify Jones as the perpetrator based on information derived from the victim's first complaint, but identified him as someone she personally saw in the company of her daughters on a prior occasion; and (2) the mother's testimony that she saw bruises on the victim's body was not hearsay, and her reference to the victim's initially declining to discuss how she got the bruises revealed no details derived from a first complaint.

The entry is:

Judgment affirmed.

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