

STATE OF MAINE

v.

ERNEST PRINDALL

Submitted on Briefs February 25, 2000  
Decided March 7, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

#### MEMORANDUM OF DECISION

Ernest Prindall appeals from a judgment of conviction entered after a jury trial in the Superior Court (York County, *Fritzsche, J.*) on charges of attempted gross sexual assault, unlawful sexual contact, assault, and criminal threatening. *See* 17-A M.R.S.A. §§ 152, 253, 255, 207, 209 (1983 & Supp. 1999). Contrary to Prindall's contentions: (1) the presiding justice did not err in declining to discharge the jury, *see State v. Gilman*, 637 A.2d 1180, 1182 (Me. 1994); (2) the victim's written statement was properly read into evidence as a recorded recollection, *see* M.R. Evid. 803(5); (3) the court was not obligated to instruct the jury concerning Prindall's right of self-defense, *see State v. Berube*, 669 A.2d 170, 172 n.2 (Me. 1995); *State v. Saucier*, 385 A.2d 44, 47 (Me. 1978); (4) the prosecutor's statements during closing arguments did not deprive Prindall of a fair trial, *see State v. Conner*, 434

A.2d 509, 511 (Me. 1981); and (5) the record contained evidence sufficient to support convictions for attempted gross sexual assault and unlawful sexual contact, *see State v. Chad B.*, 1998 ME 150, ¶ 11, 715 A.2d 144, 147-48.

The entry is:

Judgment affirmed.

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