

STATE OF MAINE

v.

ROBIN HUTCHINSON

Submitted on Briefs December 20, 2000  
Decided January 9, 2001

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

MEMORANDUM OF DECISION

Robin Hutchinson appeals from a judgment entered in the Superior Court (Franklin County, *Marden, J.*) following a jury verdict finding him guilty of gross sexual assault (Class B) in violation of 17-A M.R.S.A. § 253(2)(D) (Supp. 2000).<sup>1</sup> Hutchinson contends that the court erred by refusing to allow him to cross-examine the victim regarding allegedly false statements the victim had made to her estranged husband and her in-laws prior to the alleged assault. The statements at issue were unrelated to this case. Considering the broad range of questioning of the victim and the opportunity to present adverse character evidence that was allowed, the court committed no error or abuse of discretion under M.R. Evid. 608(b) in

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1. Section 253 provides, in pertinent part:

2. A person is guilty of gross sexual assault if that person engages in a sexual act with another person and:

....

D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act . . . .

5. Violation of subsection 2, paragraph . . . D . . . is a Class B crime.

excluding the cross-examination sought by the defense. *See State v. Walker*, 506 A.2d 1143, 1148 (Me. 1986).

The entry is:

Judgment affirmed.

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