

STATE OF MAINE

v.

JASON T. PINGREE

Submitted on Briefs February 27, 2002
Decided March 1, 2002

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

MEMORANDUM OF DECISION

Jason Pingree appeals from a judgment of conviction entered after a jury trial in the Superior Court (Oxford County, *Gorman, J.*) on six counts of gross sexual assault (Class A), 17-A M.R.S.A. § 253 (Supp. 2001). Contrary to Pingree's contentions, the Superior Court did not clearly err in finding the child victim competent to testify; the record adequately demonstrates the child's understanding of her duty to tell the truth. *See* M.R. Evid. 601(b)(2); *State v. Mazerolle*, 614 A.2d 68, 71 (Me. 1992). In addition, the court did not abuse its discretion in denying Pingree's request to order a psychological evaluation of the child victim because Pingree did not demonstrate a compelling reason or particularized need for an order. *See State v. Philbrook*, 525 A.2d 1047, 1048 (Me. 1987); *State v. Walker*, 506 A.2d 1143, 1147-48 (Me. 1986).

The entry is:

Judgment affirmed.

Attorneys for State:

Norman R. Croteau, Esq.
Joseph M. O'Connor, Esq.
P O Box 179
South Paris, ME 04281

Attorney for defendant:

Douglas D. Hendrick, Esq.
P O Box 370
Cornish, ME 04020