MAINE SUPREME JUDICIAL COURT Reporter of Decisions
Decision: 2026 ME 96
Docket: And-25-364
Argued: May 6, 2026
Decided: September 10, 2026
Revised: November 17, 2026

Panel: STANFILL, C.J., and MEAD, CONNORS, LAWRENCE, DOUGLAS, LIPEZ, and TAUB, JJ.

STATE OF MAINE

v.

DUANE D. HANSON

LIPEZ, J.

[¶1] Duane D. Hanson appeals from sixteen judgments of conviction—all stemming from a series of domestic-violence incidents involving a single victim—entered by the trial court (Androscoggin County, *Archer, J.*) after a jury trial. He contends that the court erred in excluding the proffered testimony of three of his witnesses that the victim told them she was assaulted by persons other than Hanson, in admitting evidence of his prior assaults of the victim, and in conducting the sentencing analysis. We conclude that the proffered testimony, which highlighted inconsistent statements made by the victim, should have been admitted as impeachment evidence, but that the court's error in excluding the evidence was ultimately harmless. We are unpersuaded by

Hanson's other arguments and discern no error in the court's sentencing analysis. Accordingly, we affirm all sixteen judgments of conviction.

I. BACKGROUND

A. Facts

[¶2] When the evidence is viewed in the light most favorable to the verdicts, the jury rationally could have found the following facts beyond a reasonable doubt. *See, e.g.*, *State v. Aldrich*, 2026 ME 8, ¶ 2, 353 A.3d 987.

[¶3] Hanson and the victim met in May 2023 and began a romantic relationship the following month. During their relationship, they lived together in a tow-behind camper, which they parked at various locations, and sometimes stayed with members of Hanson's family at an apartment in Livermore Falls. Both regularly used crack cocaine and suboxone pills during their relationship.

[¶4] In June 2023, Hanson assaulted the victim for the first time, hitting her and strangling her until she lost consciousness. Hanson physically assaulted the victim on multiple other occasions that summer, resulting in her having black eyes throughout the entirety of their relationship.

[¶5] On August 21, 2023, the victim and Hanson were at the Livermore Falls apartment when Hanson became angry because the victim fell asleep on the couch next to him. He hit her several times around her eyes, then strangled

her until she lost consciousness. When she came to, she convulsed and exhibited seizure-like symptoms.

[¶6] A neighbor heard Hanson yelling and hitting the victim and called 9-1-1. The police officers who responded to the call observed that the victim had two black eyes, bruising on her nose, and a cut on her forehead. Hanson told the officers that the victim sustained the injuries when she tried to pull down the camper awning and it hit her in the face. The victim told the officers a different story—that she had injured herself playing softball with her children. She did not tell the officers the truth because she did not want to get Hanson in trouble. Hanson was not arrested after this incident.

[¶7] On another day sometime after the August 21 assault, Hanson hit the victim very hard on the forehead, causing a large gash.

[¶8] Around October 11, 2023, Hanson assaulted the victim in the camper, which was parked somewhere in Livermore Falls. Wielding a knife, he held the victim down and threatened to cut out her vagina and make sure she lived through the experience. He also held a machete to her forehead and made additional threats. He hit her and strangled her—using his hands and the strings of her bathing suit—until she passed out. The victim woke up convulsing and urinated on herself.

[¶9] The next day, the victim left the camper while Hanson was sleeping and went to her brother's house in Livermore Falls. She told her brother and his wife that Hanson had assaulted her. Although her eyes were red and full of blood and she had two black eyes, a large cut on her forehead, and bruising around her neck and chin, she refused to go to the hospital or to the police. Instead, at the victim's request, her brother and his wife took the victim to her mother's house.

[¶10] For a total of about nine days, the victim stayed first with her mother and then with other family members. While staying with her family, the victim began communicating with Hanson via email, and she eventually returned to the camper.

[¶11] During a span of three days in late October 2023, Hanson attacked the victim numerous times in the camper, which was parked somewhere in Jay. The first assaults occurred on October 28—Hanson's birthday—when he became angry that the victim was unable to have sex with him. Over the next three days, Hanson assaulted the victim repeatedly in a variety of ways—he punched her, bit her arms, cut her thigh with a piece of broken glass, and hit her in the face and on her back with the butt end of a machete. On multiple

occasions, he strangled her until she passed out. Between these violent outbursts, he cried and expressed remorse.

[¶12] At times during this period, the victim's eyes were so swollen that she could not see. She bled profusely from both eyes and from a cut on her head. Hanson forced her to clean the blood off the floor because the smell made him sick. Despite the ongoing abuse, the victim's fear of Hanson kept her from trying to escape. Between October 28 and 31, she left the camper only with Hanson. When she did try to sneak out the back door on one occasion, Hanson grabbed her and strangled her until she lost consciousness.

[¶13] On November 1, 2023, Hanson drove the victim to his grandmother's apartment. She was reluctant to go because she did not want anyone to see her injuries. Hanson was insistent, however, and he and the victim concocted a story to explain her injuries—that she had been assaulted by two women and a man—if they got pulled over by police. Hanson left the victim at the grandmother's apartment, where she told Hanson's grandmother and several other members of his family that Hanson had caused her injuries. When Hanson returned, he spoke briefly with the victim, then left through the back door just as the victim's daughter and stepmother arrived.

[¶14] Upon seeing the extent of her injuries, the victim's daughter and stepmother took her from the apartment directly to the hospital, where she remained for about three weeks. Her injuries were severe: she had shattered bones in her face, damage to her eye sockets, a broken nose, a lacerated spleen, a collapsed lung and resultant infection in her chest cavity, and several broken ribs. Her face was also entirely purple with bruising, and she could not see out of her left eye. She had a large cut on her forehead, scabs on the sides of her face, bite marks on her arms and ear, bruising all over her torso, and a cut on her left thigh.

[¶15] The victim was still suffering from the lasting effects of these injuries at the time of trial; she testified that she experiences migraine headaches, struggles with short-term memory loss, and often feels fearful and unable to trust people. She has visible scars and still has swelling and bruising around her left eye and discomfort in her forehead. She cannot scream due to damage to her neck.

B. Procedure

[¶16] Hanson was indicted in Androscoggin County in connection with the August 21 and October 11 incidents and in Franklin County in connection with the late October incident. He faced a series of charges, among them

kidnapping, domestic violence elevated aggravated assault, and domestic violence aggravated assault.[1] He pleaded no contest to Counts 8 and 9 of the

[1] The charges were as follows:

Androscoggin County Indictment

- **Count 1**: domestic violence aggravated assault (Class A), 17-A M.R.S. § 208-D(1)(B) (2026), alleged to have occurred on or about October 12, 2023.
- **Count 2**: domestic violence aggravated assault (Class A), 17-A M.R.S. §§ 208-D(1)(D), 1604(5)(B) (2026), alleged to have occurred on or about October 12, 2023. (Dismissed before trial.)
- **Count 3**: domestic violence aggravated assault (Class B), 17-A M.R.S. § 208-D(1)(D), alleged to have occurred on or about October 12, 2023.
- **Count 4**: domestic violence assault (Class C), 17-A M.R.S. § 207-A(1)(B)(1) (2026), alleged to have occurred on or about August 21, 2023.
- **Count 5**: domestic violence assault (Class C), 17-A M.R.S. § 207-A(1)(B)(1), alleged to have occurred on or about October 12, 2023.
- **Count 6**: domestic violence criminal threatening (Class C), 17-A M.R.S. § 209-A(1)(B)(1) (2026), alleged to have occurred on or about October 12, 2023.
- **Count 7**: domestic violence stalking (Class C), 17-A M.R.S. § 210-C(1)(B)(1) (2026), alleged to have occurred on, about, or between August 21, 2023, and October 12, 2023.
- **Count 8**: violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2026), alleged to have occurred on or about August 21, 2023.
- **Count 9**: violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A), alleged to have occurred on or about October 12, 2023.

Franklin County Indictment

- **Count 1**: domestic violence elevated aggravated assault (Class A), 17-A M.R.S. § 208-E(1) (2026), alleged to have occurred on or about October 29, 2023.
- **Count 2**: domestic violence aggravated assault (Class B), 17-A M.R.S. 208-D(1)(D), alleged to have occurred on or about October 29, 2023.
- **Count 3**: domestic violence aggravated assault (Class A), 17-A M.R.S. § 208-D(1)(B), alleged to have occurred on or about October 29, 2023.
- **Count 4**: domestic violence aggravated assault (Class B), 17-A M.R.S. § 208-D(1)(A), alleged to have occurred on or about October 29, 2023.
- **Count 5**: domestic violence aggravated assault (Class B), 17-A M.R.S. § 208-D(1)(C), alleged to have occurred on or about October 29, 2023.
- **Count 6**: kidnapping (Class A), 17-A M.R.S. § 301(1)(A)(3) (2026), alleged to have occurred on or about October 29, 2023.
- **Count 7**: domestic violence stalking (Class C), 17-A M.R.S. § 210-C(1)(B)(1), alleged to have occurred on or about October 29, 2023.

Androscoggin County indictment and Count 10 of the Franklin County indictment—three charges of violation of condition of release[2]—and pleaded not guilty to the remainder of the charges.

[¶17] The indictments were joined for trial in Androscoggin County, and the court held an eight-day jury trial in May 2025. Testifying in his own defense, Hanson denied that he had ever assaulted the victim, claimed that he had broken up with her in late September 2023, and stated that he was with a friend in Millinocket from October 29 to November 3, 2023. Hanson's grandmother, father, and brother each offered testimony in corroboration of Hanson's alibi, specifically that when the victim came to the grandmother's apartment around late October or early November, Hanson was not there.

- **Count 8**: domestic violence criminal threatening (Class C), 17-A M.R.S. § 209-A(1)(B)(1), alleged to have occurred on or about October 29, 2023.
- **Count 9**: domestic violence assault (Class C), 17-A M.R.S. § 207-A(1)(B)(1), alleged to have occurred on or about October 29, 2023.
- **Count 10**: violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A), alleged to have occurred on or about October 29, 2023.

The statutes setting forth the offenses of domestic violence assault, domestic violence aggravated assault, domestic violence elevated aggravated assault, domestic violence criminal threatening, and domestic violence stalking were all amended in 2023. *See* P.L. 2023, ch. 465, §§ 2-5, 7-8, 11-12 (effective Oct. 25, 2023) (codified at 17-A M.R.S. §§ 207-A(1)(A), (B)(3)-(4), 208-D(1)(A)-(D), 208-E(1)(B), 209-A(1)(A), (B)(3)-(4), 210-C(1)(A), (B)(3)-(4)). The effect of these amendments was to expand the class of victims to whom the statutes apply to include "dating partners" as defined in 19-A M.R.S. § 4102(4) (2026) in addition to "family or household members" as defined in section 4102(6) of the same statute. Because the victim in this case was both a "dating partner" and a "family or household member," these amendments had no effect on the substantive offenses with which Hanson was charged, and we accordingly cite the 2026 versions of these statutes.

[2] These charges were therefore not presented to the jury.

[¶18] The jury found Hanson guilty of Counts 1, 3, 4, 5, 6, and 7 of the Androscoggin County indictment and Counts 2, 3, 4, 7, 8, and 9 of the Franklin County indictment. On the Franklin County indictment, the jury returned not guilty verdicts on Count 1, domestic violence elevated aggravated assault, and Count 6, kidnapping (although the jury found him guilty of criminal restraint (Class D), 17-A M.R.S. § 302(1)(B)(1) (2026), a lesser-included offense of kidnapping).

[¶19] At the sentencing hearing in July 2025, the court concluded that the convictions for Counts 4 and 5 of the Androscoggin County indictment, both for domestic violence assault (Class C), merged with Count 1, domestic violence aggravated assault (Class A), of the same indictment.[3] It similarly concluded that Count 9, domestic violence assault (Class C), merged with Counts 2 and 3, both domestic violence aggravated assault (Class B and Class A, respectively), of the Franklin County indictment. The court chose Count 3, domestic violence aggravated assault, of the Franklin County indictment as the "primary count"

[3] "If the jury *could* have found that the same conduct formed the basis for both verdicts, then convictions for both offenses violate double jeopardy, and merger is required." *State v. Ali*, 2025 ME 30, ¶ 23, 334 A.3d 657. Merger of Count 4 with Count 1 was therefore an error because Count 1 was alleged to have occurred on October 12, 2023, while Count 4 was alleged to have occurred on August 21, 2023, and the jury accordingly could not have found that the same conduct formed the basis for both Count 1 and Count 4. The court acknowledged this error at a hearing on an unrelated motion to correct Hanson's sentence, but the State chose not to move to correct the sentence to address it.

for the purpose of its sentencing analysis. It imposed a sentence of twenty-eight years' imprisonment for this offense and concurrent sentences for the other offenses.[4]

[¶20] Hanson subsequently moved for a reduction of his sentence, which the court denied. He then filed a timely notice of appeal from his convictions, *see* M.R. App. P. 2B(b)(2)(D), and an application to allow appeal of his sentence,

[4] The sentences were as follows:

Androscoggin County Convictions

- **Count 1**, domestic violence aggravated assault (Class A): twenty-eight years' imprisonment concurrent with the Franklin County convictions.
- **Count 3**, domestic violence aggravated assault (Class B): ten years' imprisonment concurrent with Count 1.
- **Count 6**, domestic violence criminal threatening (Class C): five years' imprisonment concurrent with Count 1.
- **Count 7**, domestic violence stalking (Class C): five years' imprisonment concurrent with Count 1.
- **Count 8**, violation of condition of release (Class E): six months' imprisonment concurrent with Count 1.
- **Count 9**, violation of condition of release (Class E): six months' imprisonment concurrent with Count 1.

Franklin County Convictions

- **Count 2**, domestic violence aggravated assault (Class B): ten years' imprisonment concurrent with Count 3.
- **Count 3**, domestic violence aggravated assault (Class A): twenty-eight years' imprisonment.
- **Count 4**, domestic violence aggravated assault (Class B): ten years' imprisonment concurrent with Count 3.
- **Count 6**, criminal restraint (Class D): 364 days' imprisonment concurrent with Count 3.
- **Count 7**, domestic violence stalking (Class C): five years' imprisonment concurrent with Count 3.
- **Count 8**, domestic violence criminal threatening (Class C): five years' imprisonment concurrent with Count 3.
- **Count 10**, violation of condition of release (Class E): six months' imprisonment.

see M.R. App. P. 20, which we granted and which was automatically consolidated with the appeals from the convictions, *see* M.R. App. P. 20(g)-(h).

II. DISCUSSION

A. Excluded Testimony of Victim's Prior Statements

[¶21] Hanson first argues that the court erred by excluding testimony he sought to offer from his grandmother, father, and brother—all of whom testified at trial—that the victim, who also testified, had told them that she was attacked by two women and that an individual named "Casper" to whom she owed drugs hit her in the head with a shovel. Both during voir dire outside the presence of the jury and again when she was cross-examined in front of the jury, the victim denied making the statements, and the court ultimately concluded that extrinsic evidence of the statements was inadmissible.

[¶22] On appeal, Hanson contends that the statements were admissible both for their truth—as substantive evidence of alternative suspects—and to impeach the victim's testimony. He further argues that the court's exclusion of this evidence violated his federal constitutional right to a fair trial.

1. Admissibility of the Proposed Testimony as Substantive Evidence of Alternative Suspects

[¶23] We do not reach the merits of Hanson's alternative-suspect argument because we conclude that Hanson waived the argument by

representing to the trial court that he did not seek to offer the testimony for its truth that alternative suspects existed.

[¶24] "We do not review claims of error that result from a party's choice of trial strategy." *State v. Woodard*, 2013 ME 36, ¶ 31, 68 A.3d 1250. Here, Hanson repeatedly disclaimed any intent to offer the testimony for the truth of its content. *See State v. Harding*, 2024 ME 67, ¶ 21, 322 A.3d 1175. Before trial, the State, by written motion, sought a ruling excluding any evidence, including the disputed testimony, that someone other than Hanson assaulted the victim. Hanson responded in writing that the testimony was "relevant not for the truth of the matter asserted but to impeach any assertion made by [the victim] at trial that her injuries were caused by [Hanson]." At a hearing on the State's motion, Hanson again asserted that the statements in question were "an impeachment issue" and that he was "not offering [the statements] for the truth of the matter" but rather "to impeach [the victim's] testimony that it was Duane Hanson." He emphasized that he was "not making an offer of proof for an alternative suspect."

[¶25] Later, before Hanson called his grandmother as a witness, he reiterated his position that "from an evidentiary . . . purpose, we are not offering [the statements] for the truth of the matter"; that "they are offered for

impeachment purposes"; and that "it is not alternative-suspect evidence." His attorney stated, "*I've never presented it as such*." (Emphasis added.) Hanson further proposed that the court admit the evidence subject to a limiting instruction that the jury consider the testimony solely for its bearing on the victim's credibility.

[¶26] By affirmatively stating that he did not seek to present substantive evidence of an alternative suspect and consistently offering the proffered testimony for impeachment purposes only, Hanson waived the issue of its substantive admissibility. *See State v. Marin*, 2026 ME 68, ¶ 24, --- A.3d --- (concluding that the defendant had waived an argument that evidence was inadmissible by failing to respond to the State's motion in limine, "specifically stat[ing] that he did not object" to admission of the evidence at trial and agreeing to the court's proposed jury instructions on the issue); *State v. Foster*, 2016 ME 154, ¶ 10, 149 A.3d 542 ("We will not review an issue—even for obvious error—when a party has, as a trial strategy, openly acquiesced to the process employed."); *see also State v. Reynolds*, 2018 ME 124, ¶ 28, 193 A.3d 168 ("Because [the defendant], having been unsuccessful in his alternative argument before the trial court, has now changed his theory on appeal, we deem his current argument waived.").

[¶27] Hanson counters that he preserved the issue by moving *after* the close of evidence "to allow an alternative-suspect case." At the time, he explained that he did not "want the record to be reading like [he had] waived [the] alternative-suspect arguments." We conclude that although the trial court generously deemed the issue "preserved" and provided a rationale for why the evidence was not substantively admissible, Hanson's attempt to preserve this issue was in fact too late. *See* M.R.U. Crim. P. 51 (providing that to show opposition to a court order or action in a criminal matter, "it is sufficient that a party, *at the time the ruling or order of the court is made or sought*, makes known to the court the action which the party desires the court to take" (emphasis added)); *Michaud v. Steckino*, 390 A.2d 524, 531-32 (Me. 1978) ("The rule is well established that objections to evidence should be stated *at the time it is offered*, and with sufficient definiteness to apprise the court and the opposite party of the precise grounds of the objection; and all objections not thus specifically stated, should be held to be waived." (quotation marks omitted)); *State v. Samson*, 366 A.2d 854, 856 (Me. 1976) ("Failure to [timely object to the court's action] must be considered as trial strategy and a waiver by the accused of any objection respecting the judicial action involved.").

[¶28] Notably, Hanson did not make a concomitant motion to reopen the evidence.[5] *Cf.* M.R.U. Crim. P. 26(c); *State v. Fox*, 2017 ME 52, ¶ 32, 157 A.3d 778. Thus, as a practical matter, if the court had agreed that the evidence was admissible under Hanson's new, but previously disclaimed, legal theory, it is unclear what the court could have done at that point.[6]

[¶29] Because we conclude that Hanson waived any argument that the victim's prior statements were admissible for their truth, as opposed to for

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[5] Such a motion would have posed thorny questions, like whether, in response to evidence suggesting that the victim's drug associates assaulted her, the court would allow the State to offer competing evidence that it was Hanson, not the victim, who was actively involved in drug trafficking. *See State v. White*, 460 A.2d 1017, 1023 (Me. 1983) (explaining that in ruling on a motion to reopen, the court should consider several factors, among them "the potential prejudice to the opposing party, . . . the probative value of the proffered evidence, . . . and . . . the moving party's excuse for the untimeliness of its offer"). For example, in opposing Hanson's late attempt to preserve an alternative-suspect claim, the State noted that even though it had been "precluded from introducing evidence . . . of [Hanson's] trafficking and scheduled drug conviction," Hanson was now arguing that he should be allowed to "suggest to the jury that it was not [he] who [assaulted the victim], but that it was some drug dealer or someone who was upset with [the victim] for buying drugs from them."

[6] At the same time that Hanson sought to raise the waived argument, he also asked for permission to argue in closing that someone else had assaulted the victim. Although the court did not allow explicit argument that there was an alternative perpetrator, it did bless Hanson's use of certain language attacking the victim's credibility—specifically, as Hanson argued:

> [The victim] struggled deeply with addiction, and addiction . . . made [the victim] do things that are embarrassing, and unconscionable, things that led her to be estranged from her family, her daughter living with her dad and stepmom. Ties to her family cut off. If you're trying to mend those bridges, *is it easier to say that in the depths of your addiction, you were led to do things that you're not proud of to get drugs. Angering other people involved with drugs and similarly dangerous people [or] was [it] easier to say that Duane Hanson did all of it.* We know that [the victim's] accounting of events is inaccurate . . . .

(Emphasis added.) On appeal, Hanson argues solely that the court erred in excluding the proposed testimony of his family members regarding the identity of the victim's assailant—he does not contend that the court erred in limiting the scope of his closing argument. Accordingly, we do not address this issue further.

impeachment, we decline to consider it.[7] *See Marin*, 2026 ME 68, ¶ 24, --- A.3d ---.

2. Admissibility of the Proposed Testimony as Impeachment Evidence

[¶30] Hanson next contends that, at a minimum, the proffered evidence was admissible for the limited purpose of impeaching the victim's credibility with a prior inconsistent statement. On cross-examination, the victim denied telling Hanson's family members that she was assaulted by two women and a man. Hanson sought to offer the contrary testimony of the three family

[7] If we were to reach the merits of Hanson's argument, we would be unpersuaded that it was obvious error to exclude the statements for their truth. To be admitted, so-called "alternative-suspect evidence" must first be admissible under the Rules of Evidence. *See State v. Daly*, 2021 ME 37, ¶ 19, 254 A.3d 426. Hanson argues a theory of admissibility not asserted at trial—that the victim's out-of-court statements that she was attacked by two women and a man named Casper were substantively admissible as statements identifying individuals the victim perceived earlier, *see* M.R. Evid. 801(d)(1)(C). Because this argument is unpreserved, even if we agreed that these were statements of prior identification under Rule 801(d)(1)(C)—an issue we do not decide—we would vacate only upon concluding that the test for obvious error had been met. *See State v. Ouellette*, 2024 ME 29, ¶¶ 12, 14, 314 A.3d 253. Obvious error is "an error that is plain, affected substantial rights, and seriously affected the fairness and integrity or public reputation of judicial proceedings." *Id.* ¶ 12 (quotation marks omitted). Here, the court did not obviously err in excluding the statements for their truth.

Also unavailing is Hanson's argument that exclusion of the evidence impaired his federal constitutional due process right to present a defense. A review of the trial record persuades us that notwithstanding Hanson's inability to present the proffered evidence, he "retain[ed] an adequate opportunity to present his theory of the case." *Brown v. Ruane*, 630 F.3d 62, 74 (1st Cir. 2011) (rejecting petitioner's claim for a writ of habeas corpus and explaining that "the Supreme Court has rarely overturned state convictions [on due process grounds] because evidence was excluded and has in recent years made clear that only in extreme cases will such claims succeed" (quotation marks omitted)); *cf. State v. Daly*, 2021 ME 37, ¶¶ 26-27, 254 A.3d 426 (holding that trial court's exclusion of alternative-suspect evidence "did not violate [the defendant]'s rights to due process, to present a defense, and to a jury trial").

members. We agree that the trial court should have admitted the statements as extrinsic impeachment evidence, but for reasons we explain below, *infra* ¶¶ 38-49, we ultimately conclude that the failure to do so was harmless.

[¶31] A party may attempt to impeach a witness by asking the witness about a prior inconsistent statement; if the witness admits to the inconsistent statement, impeachment is complete. *See* Field & Murray, *Maine Evidence* § 607.4 at 291-92 (6th ed. 2007). Where, as here, the witness denies the prior inconsistent statement and a party seeks to prove that statement through the testimony of another witness or other extrinsic evidence, courts must analyze the admissibility of the inconsistent statement under the following framework:

> (1) [T]he out-of-court statement must truly be inconsistent with the witness's trial testimony, and (2) the impeachment must be on a matter that is 'relevant' as opposed to 'collateral.' Relevant evidence is that which relates logically to a fact or issue at hand. If the prior inconsistent statement satisfies the conditions for admissibility, the court must further ask whether the danger of unfair prejudice substantially outweighs the probative value of the evidence.

State v. Cheney, 2012 ME 119, ¶ 23, 55 A.3d 473 (citations and quotation marks omitted). We review the trial court's application of this analysis for an abuse of discretion. *Id.* ¶ 22.

[¶32] The proffered evidence satisfies each requirement of the framework. First, the victim's alleged out-of-court statements—that she told

the family members that she was assaulted by two women and a man named Casper—were inconsistent with her trial testimony that Hanson assaulted her, that she reported this to Hanson's grandmother, father, and brother, and that she did not tell them that she was assaulted by two women and a man. Second, the proffered testimony was relevant to the key issue at trial: whether Hanson was the individual who assaulted her. Third, the evidence was highly probative: when the State's principal witness is the alleged victim of the crime, "evidence tending to impeach [the victim's] credibility has greatly enhanced probative value." *State v. Thurlow*, 1998 ME 139, ¶ 9, 712 A.2d 518 (quotation marks omitted); *see also State v. Filler*, 2010 ME 90, ¶ 20, 3 A.3d 365 (reasoning that a witness's credibility "was central to the outcome of the case" and therefore "the probative value of her motivation for potentially fabricating the allegations . . . was substantial"). Finally, we see little risk that the testimony would unfairly prejudice the State. *See State v. Forbes*, 445 A.2d 8, 12 (Me. 1982) ("[Unfair] prejudice . . . means more than simply damage to the opponent's cause. . . . [It] is an undue tendency to move the tribunal to decide on an improper basis, commonly, though not always, an emotional one." (quotation marks omitted)). We accordingly conclude that the trial court "exceeded the bounds of its discretion" in excluding the proffered impeachment

evidence. *See Thurlow*, 1998 ME 139, ¶ 9, 712 A.2d 518 (holding that the court should have permitted impeachment testimony regarding the victim's "threat to fabricate a rape charge against" the defendant); *State v. Allen*, 462 A.2d 49, 51-52 (Me 1983) (concluding that the court erred in excluding a defense witness's testimony that a testifying police officer made a prior inconsistent statement about the location of the alleged crime).

[¶33] Before assessing the impact of this exclusion on the verdict, we pause briefly to clarify the interplay of our jurisprudence on inconsistent statements and alternative-suspect evidence, as it was that interplay that appears to have altered the court's focus in ruling on the State's objection. The court, at the urging of the State, reasoned that "the specific testimony that [Hanson was] seeking to elicit is only relevant and non-collateral if this is an alternative-suspect case. And this is not an alternative-suspect case."[8] The court's analysis, perhaps reflecting its concern that Hanson was offering otherwise inadmissible substantive evidence under the guise of impeachment, seems to conflate the purposes of impeachment evidence and alternative-suspect evidence.

[8] The State now concedes that the proffered testimony was not collateral, although it continues to maintain that if the testimony was inadmissible to show that an alternative suspect existed, then it was also inadmissible to impeach the victim.

[¶34] "It has long been the rule in Maine that a witness may be impeached by evidence that he made an earlier, out-of-court statement inconsistent with his trial testimony." *Allen*, 462 A.2d at 51. As noted above, *supra* ¶ 31, a court may exclude extrinsic evidence of a prior inconsistent statement that is "collateral," meaning it addresses an issue tangential to the case. Field & Murray, *Maine Evidence* § 607.4 at 292 (explaining that evidence is not collateral if "the fact as to which error is predicated [could] have been shown for any purpose independently of the contradiction"); *see, e.g.*, *State v. Rausch*, 365 A.2d 1029, 1030-31 (Me. 1976) (affirming the court's exclusion of "proffered testimony . . . tendered merely for impeachment purposes" because it "was unassociated with the crime charged and was unrelated to any conduct between the State's witness and the [defendant]"); *see also Ware v. Ware*, 8 Me. 42, 53 (1831) ("[T]he true line of distinction is that which has been established between those questions which are merely collateral, and have no immediate connection with the cause, and those which intimately relate to the subject of the inquiry."). While any inconsistent statement by a witness might arguably reflect on that person's credibility, the rationale for excluding extrinsic evidence of statements that address only collateral matters is to avoid "undue consumption of time" on irrelevant matters that may distract from the critical

issues in the case. *See* Michael H. Graham, *Handbook of Federal Evidence* § 607:2 (10th ed.), Westlaw (database updated Nov. 2025).

[¶35] Here, the victim's purported statement that someone other than Hanson assaulted her was decidedly not collateral. It went to the heart of the case. Importantly, the evidence, when offered to impeach, was admissible not to show that a specific person other than Hanson committed the crime but simply to show that the victim should not be believed when she said that Hanson did it. This distinction, while subtle, is not immaterial, and appears to have been the source of the confusion at trial. *See* Field & Murray, *Maine Evidence* § 607.4 at 291 (explaining that the relevance of a witness's prior inconsistent statement "does not depend on whether the prior statement was true, but merely on whether it was made" and that "[s]uch statements logically support the inference that if the witness made a prior, different statement about the same subject matter, the witness's in-court testimony may not be reliable").

[¶36] Rather than assessing the impeachment evidence for its own sake, the court interpreted our alternative-suspect case law to impose a limitation on proper impeachment. Our jurisprudence, however, imposes no such limitation. As the trial court correctly noted, courts must ensure that admitted

alternative-suspect evidence is "of sufficient probative value to raise a reasonable doubt as to the defendant's culpability by establishing a reasonable connection between the alternative suspect and the crime." *State v. Daly*, 2021 ME 37, ¶ 19, 254 A.3d 426 (quotation marks omitted). But the focus in that context is whether the evidence can "support [a] contention that another is responsible for the crime with which [the defendant] is charged," *id.* ¶ 16 (quotation marks omitted)—that is, for its truth. Regardless of whether it was admissible for its truth, the evidence in this case was still admissible for the limited purpose of showing that, on some other occasion, the victim told a different story about what happened to her. Put another way, our jurisprudence allowing courts to exclude alternative-suspect evidence that "is too speculative or conjectural," *id.* ¶ 24 (quotation marks omitted), may not be used to keep out otherwise admissible evidence offered for another proper purpose.

[¶37] To mitigate the risk that the jury would use the evidence for an improper purpose, the court could have, as Hanson proposed at trial, instructed the jury that the proffered testimony was presented not for its truth but as evidence that the victim had told inconsistent stories about how she sustained her injuries. *See* M.R. Evid. 105 (requiring courts to "restrict . . . evidence to its

proper scope and instruct the jury accordingly"); *State v. Bennett*, 658 A.2d 1058, 1063 (Me. 1995) ("[U]nless there is evidence to the contrary, we assume that the jury followed the trial court's instructions."). Instead, the court concluded that if Hanson could not present substantive evidence of an alternative perpetrator, then testimony that the victim gave conflicting accounts about who harmed her went to a "collateral" issue, rather than the crux of the case. This was an abuse of discretion. We turn next to the effect of this error on the outcome of the trial.

3. Harmless-Error Analysis

[¶38] The State argues that any error in excluding Hanson's proffered evidence was harmless. We agree.

[¶39] The nature of our harmless-error review depends upon the nature of the error. *State v. Judkins*, 2024 ME 45, ¶ 19, 319 A.3d 443. "There are two types of trial errors: (1) those that are structural, in which prejudice is presumed, triggering vacatur; and (2) those that are nonstructural, triggering an analysis as to the impact of the error in that specific case." *Id.* (alteration and quotation marks omitted). Hanson rightly does not contend that the trial court's exclusion was a structural error.[9] The subset of nonstructural errors is

[9] "Structural error is a 'defect affecting the framework within which the trial proceeds, rather than simply an error in the trial process itself.'" *State v. Burdick*, 2001 ME 143, ¶ 27, 782 A.2d 319 (quoting

further divided into two categories, to which we apply differing standards of review to measure the effect of the error: general harmless error and constitutional harmless error. *Id.* ¶ 20. The general-harmless-error standard is less stringent and "applies to evidentiary errors, incorrect jury instructions, and improper prosecutorial comments that do not violate constitutional rights." *Id.* ¶ 21. Alternatively, the constitutional-harmless-error standard applies to errors at trial that affect the defendant's constitutional rights. *See id.* ¶¶ 20-21.

[¶40] Hanson argues that the trial court's erroneous exclusion of his proffered impeachment evidence violated his constitutional rights and that we should therefore analyze the effect of that error under the constitutional-harmless-error standard. We are unpersuaded that the court's error was of a constitutional magnitude,[10] and we accordingly proceed with a general-harmless-error review.

Johnson v. United States, 520 U.S. 461, 468 (1997)). The court's isolated ruling on the admissibility of proffered impeachment evidence takes the latter form.

[10] Hanson asserts that the exclusion of his proffered impeachment testimony violated his federal constitutional right to confront witnesses against him. He did not raise this argument below, so we review for obvious error. *See Ouellette*, 2024 ME 29, ¶¶ 12, 14, 314 A.3d 253. "The Confrontation Clause provides that 'in all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.'" *State v. Adams*, 2019 ME 132, ¶ 20, 214 A.3d 496 (quoting U.S. Const. amend. VI) (alterations omitted). It includes "the right to challenge the credibility of those witnesses," and "[a trial] court's limitation on cross-examination violates the Confrontation Clause if, absent the limitation, the jury would have received a significantly different impression of the witness's credibility." *United States v. Lopez-Soto*, 960 F.3d 1, 10 (1st Cir. 2020) (alterations and

[¶41] "A preserved error that is not of constitutional dimension is harmless if it is highly probable that the error did not affect the judgment."[11] *State v. Guyette*, 2012 ME 9, ¶ 19, 36 A.3d 916 (quotation marks omitted); *see also* M.R.U. Crim. P. 52(a) ("Any error, defect, irregularity, or variance that does not affect substantial rights shall be disregarded."). We conclude, for three reasons, that it is highly probable that Hanson's inability to impeach the victim through extrinsic evidence did not affect the verdict: (1) Hanson's proffered evidence was vague and unclear when compared with the victim's detailed in-court testimony; (2) the victim's credibility was impeached in several other ways; and (3) substantial evidence corroborated the victim's testimony.

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quotation marks omitted). Here, the trial court did not limit Hanson's ability to cross-examine the victim, and indeed he specifically asked her whether she had told Hanson's family members that he was not her assailant. As we have noted, the court's error arose when it did not allow Hanson to complete the impeachment through extrinsic evidence. But neither this Court nor the Supreme Court has ever held "that the Confrontation Clause entitles a criminal defendant to introduce *extrinsic evidence* for impeachment purposes," *Nevada v. Jackson*, 569 U.S. 505, 512 (2013); *see also Delaware v. Fensterer*, 474 U.S. 15, 22 (1985) (per curiam) ("[T]he Confrontation Clause is generally satisfied when the defense is given a full and fair opportunity to probe and expose . . . infirmities [in a witness's testimony] through cross-examination."). And we need not reach this issue today, because even assuming for the sake of argument that the extrinsic evidence of the victim's prior inconsistent statements did implicate the Confrontation Clause, we conclude, for reasons we explain below, *infra* ¶¶ 44-45, that admission of the evidence would not have significantly affected the jury's impression of her credibility. *See Lopez-Soto*, 960 F.3d at 10. Thus, under an obvious-error standard of review, Hanson's right to confront witnesses against him was not violated by the trial court's exclusion of his proffered impeachment evidence. *Cf. Brown*, 630 F.3d at 74 ("[N]ot every *ad hoc* mistake in applying state evidence rules should be called a violation of due process; otherwise every significant state court error in excluding evidence offered by the defendant would be a basis for undoing the conviction." (alteration and quotation marks omitted)).

[11] In contrast, "[u]nder a constitutional harmless-error standard, reversal is required unless a court is confident beyond a reasonable doubt that the error did not contribute to the guilty verdict." *Judkins*, 2024 ME 45, ¶ 20, 319 A.3d 443 (quotation marks omitted).

a. Hanson's Offer of Proof

[¶42] The proffered testimony, while broadly inconsistent with the victim's testimony that Hanson inflicted her injuries, is devoid of details that would cause it to meaningfully call into question the victim's credibility. According to Hanson, he anticipated that his father would testify that the family members observed the victim's injuries, "they . . . inquired as to what happened," and the victim "said she was jumped by two women" and "said she owed drugs to a guy named Casper, and he hit her in the face with a shovel." Similarly, his grandmother purportedly would testify that she and other family members "saw that [the victim] was injured when she came to the house," and "[t]here was an inquiry as to what happened, and she said she was jumped." Lastly, his brother would provide testimony that the victim said that she "was jumped by two women and a guy." The interaction between the victim and Hanson's family members allegedly took place around November 1, 2023.

[¶43] When reviewing the effect of the court's exclusion of the evidence, we are constrained on appeal to considering only the contents of the proffer. *See State v. Clark*, 475 A.2d 418, 421 n.2 (Me. 1984) (explaining that an offer of proof must "apprise the appellate court of the scope and effect" of the trial

court's exclusion of the evidence (quotation marks omitted)).[12] The proffered testimony, indicative of a vague, one-time comment the victim purportedly made, would have had minimal force when stacked up against her detailed trial testimony. As she testified at length about Hanson's distinct and consistent pattern of strangling her and giving her black eyes, the victim provided dates, locations, and a graphic account of the injuries she sustained. In contrast, Hanson's offer of proof contained none of these details. If the testimony had been allowed, it would merely have placed before the jury evidence that on one occasion, the victim provided an alternative explanation for her late October injuries. And, as we discuss next, the jury was in fact made aware that the victim told inconsistent stories.

b. Evidence Calling into Question the Victim's Credibility

[¶44] The jury heard ample evidence that called into question the victim's credibility, such that admission of Hanson's proffered testimony would have had a marginal effect, if any, on her believability in the eyes of the jury.

[12] Hanson briefly suggested at oral argument that the court should have allowed him to voir dire the three witnesses outside the presence of the jury. Because Hanson did not raise this argument in his brief, it is undeveloped and waived. *See State v. Flynn*, 2026 ME 54, ¶ 25, 358 A.3d 1143 ("To adequately develop an argument on appeal, it is not enough merely to mention a possible argument in the most skeletal way, leaving the court to do counsel's work, create the ossature for the argument, and put flesh on its bones." (alteration and quotation marks omitted)). Hanson also did not seek to voir dire the witnesses at trial, and we are aware of no authority that requires a court to sua sponte takes steps to flesh out a party's offer of proof, particularly where, as here, the party presumably had access to the witnesses prior to trial. *Cf. State v. Doak*, 651 A.2d 342, 344 (Me. 1994).

That evidence included the following:

- The victim admitted that she used crack cocaine and suboxone throughout her relationship with Hanson and that her substance use had at times altered her memory and perception of reality.

- The victim's brother testified that she had lied to her family in the past about her drug use.

- The victim acknowledged that she had "hidden and lied to multiple people" about what had happened to her during her relationship with Hanson.

- The victim's daughter testified that on at least one occasion the victim told the daughter that her injuries were sustained when she got into a fight with women at a trailer park.

- Police body camera footage from August 21, 2023, shows the victim telling the officers that she injured her face playing softball with her daughter and that her injuries were not "from anybody but myself."

- The victim acknowledged that she and Hanson devised a story to explain her injuries so that he would not get in trouble—that she had been assaulted by two women and a man—although she denied ever telling this story.

[¶45] Although presented with substantial evidence that the victim had been untruthful in the past and had offered various explanations for her injuries, the jury nonetheless found the substance of her story to be credible.

We therefore conclude that the effect of Hanson's proffered evidence of one more inconsistent story would have been minimal.[13]

c. Corroborating Evidence

[¶46] In contrast to evidence that the victim could be an unreliable narrator, significant corroborating evidence bolstered her credibility. Regarding the August 21 assaults, a neighbor testified that on that day, she called 9-1-1 because she could hear Hanson beating his girlfriend and yelling at her. The neighbor further identified the victim as Hanson's girlfriend and testified that she knew Hanson well enough to recognize his voice. Furthermore, a police officer who responded to the neighbor's 9-1-1 call testified that he encountered Hanson and the victim at the apartment and that the victim had injuries to her face, including two black eyes. This testimony was corroborated by police body camera footage.

[¶47] The victim's account of the October 12 assaults is similarly corroborated by the testimony of other witnesses, this time her brother and his wife. The victim testified that after Hanson attacked her in their camper, she went to her brother's house, where she told her brother and his wife that

[13] This is not to say that the evidence was excludable as cumulative under Rule 403. Although we ultimately conclude that the erroneous exclusion of the testimony was harmless when viewed in context of the entire trial record, the proffered testimony was the only evidence that the victim had made an inconsistent statement regarding the late October assaults.

Hanson had assaulted her. The victim's brother and sister-in-law confirmed that the victim had come to their house injured on October 12 and that she reported that Hanson had inflicted the injuries. The sister-in-law further recalled that the victim recounted specific details of the assault—that Hanson put a knife between her legs and threatened to cut her vagina, held a machete to her forehead, gave her multiple black eyes, and strangled her to the point that she began convulsing and urinated on herself. These details were consistent with the account of the October 12 incident that the victim gave at trial. The State also presented evidence that in the aftermath of the assault, the victim and her sister-in-law exchanged messages over Facebook in which they discussed Hanson, "the seriousness" of the victim's situation, and the victim's need for clothing and personal items. In these messages, the sister-in-law referred the victim to a domestic-violence shelter.

[¶48] As for the events that occurred in late October—the only assault as to which the disputed evidence pertains—several witnesses testified about contemporaneous statements that the victim made that corroborated her trial testimony. The victim's daughter recounted that at the hospital soon after the assaults, the victim told her that Hanson had beaten her, strangled her, and attacked her with a machete. This was entirely consistent with the victim's

testimony regarding these events. A nurse who treated the victim testified that as part of intimate-partner-violence screening at the hospital, the victim reported that in the past year, she had been afraid of, humiliated or abused by, and physically hurt by, an intimate partner. She similarly told a doctor in the emergency department that her injuries were caused by a male assailant whom she knew. And the injuries that the medical providers observed—particularly those to the victim's eye sockets—were consistent with the victim's testimony about Hanson's modus operandi, further undercutting the credibility of any past statement she purportedly made blaming someone other than Hanson for the late October assault. Finally, police officers testified that location data obtained from Hanson's phone showed that it was in the vicinity of Livermore Falls and Jay on October 29 and 30, directly contradicting the testimony of Hanson and his family members that he traveled north to Millinocket with a friend on October 29 and did not return to Livermore Falls until November 3.

d. Conclusion

[¶49] In sum, the victim was impeached several times at trial. The State, however, produced substantial evidence corroborating her testimony about the events that formed the basis for Hanson's convictions. We therefore conclude that it is highly probable that the exclusion of Hanson's proffered

testimony, which would only have reinforced what was already made clear to the jury—that the victim told multiple inconsistent stories about how she sustained her injuries—had no effect on the outcome at trial. The trial court's error in excluding the impeachment evidence was accordingly harmless.

B. Admission of Evidence of June 2023 Assaults

[¶50] Hanson next argues that the court erred in permitting the victim to testify that he assaulted her in June 2023, because the charged offenses were not alleged to have occurred until August and October 2023. At trial, Hanson objected to this evidence as unfairly prejudicial character evidence that should be excluded under M.R. Evid. 403 and 404(b). The State argued that it was both (1) admissible as substantive evidence because the June assaults were close in time to the August offenses alleged in the indictment, and (2) admissible to show the nature of the relationship between Hanson and the victim and Hanson's modus operandi. The court agreed that June 2023 was close enough to the dates alleged in the indictments and admitted the evidence without any restrictions on the purpose for which the jury could consider it.

[¶51] On appeal, Hanson argues for the first time that the way the June evidence was used constituted a material variance from the indictment.[14]

[14] Hanson also argues that because the State was permitted to offer evidence of "more" alleged assaults than there were offenses charged in the indictments, the charges he faced at trial were

Specifically, he asserts that in the absence of a limiting instruction, the jury was permitted to convict him based on the June assaults. Because Hanson did not make this argument at trial, we review the trial court's decision to admit the evidence for obvious error. *See State v. Ouellette*, 2024 ME 29, ¶¶ 12, 14, 314 A.3d 253; *State v. Dolloff*, 2012 ME 130, ¶ 35, 58 A.3d 1032.

[¶52] As a threshold matter, we conclude that the court could have properly admitted this testimony for the limited purpose of establishing Hanson's modus operandi—that he consistently struck the victim around her eyes and strangled her—and to explain why the victim remained in a relationship with Hanson and did not report his conduct to the police. *See Aldrich*, 2026 ME 8, ¶¶ 40-43, 353 A.3d 987; *State v. Connors*, 679 A.2d 1072, 1074-75 (Me. 1996). Accordingly, we confine our review to the narrow question of whether the trial court obviously erred when it admitted the evidence not for this narrow purpose but without limitation. *See* M.R. Evid. 105.

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duplicitous. "'Duplicity' is the joining in a single count of two or more distinct and separate offenses." Barbara E. Bergman, Theresa M. Duncan & Marlo Cadeddu, *Wharton's Criminal Procedure* § 5:12 (14th ed.), Westlaw (database updated May 2025). Because none of the counts in the indictments allege two distinct and separate offenses, this argument is unavailing. The issue Hanson identifies—that there were multiple bases from which the jury could have found him guilty—implicates specific unanimity. *See State v. Russell*, 2023 ME 64, ¶ 25, 303 A.3d 640 ("[I]f the State alleges multiple instances of the charged offense, any one of which is independently sufficient for a guilty verdict as to that charge, specific unanimity instructions are proper." (quotation marks omitted)). The court properly instructed the jury on specific unanimity, and we accordingly discern no error in this aspect of the proceedings.

[¶53] "Proof of the commission of the offense on any date within the statute of limitations, regardless of the date alleged in the indictment, is not a material variance from the indictment, unless it prejudices the defendant." *State v. Standring*, 2008 ME 188, ¶ 14, 960 A.2d 1210. "A variance . . . can be prejudicial in two ways: (1) if the allegations are not sufficiently specific to enable the preparation of a defense, or (2) if they fail to protect the defendant against further jeopardy for the same offense." *State v. Lyon*, 2016 ME 22, ¶ 8, 131 A.3d 918 (quotation marks omitted). Hanson contends that he suffered both forms of prejudice.

[¶54] Addressing the second form of prejudice first, we easily conclude that Hanson is protected from further jeopardy related to the June 2023 assaults. "An indictment will protect a defendant against further jeopardy if, read together with the evidence presented at trial and any parol evidence, it makes clear the offense for which the defendant has been placed on trial." *State v. Gifford*, 595 A.2d 1049, 1052 (Me. 1991). Here, the trial court ruled on the record that the June 2023 assaults were admitted as substantive evidence of the offenses charged in the indictments. Accordingly, when the record is read together with the charging instruments, it is apparent that Hanson was placed on trial for the June 2023 assaults as well as those alleged to have occurred in

August and October of the same year. Hanson is therefore adequately protected against double jeopardy.

[¶55] We similarly conclude that, under our obvious-error standard of review, Hanson was not prejudiced by a lack of notice that evidence of the June assaults would be admitted at trial, for two reasons. First, other than eliciting brief testimony from the victim that Hanson first beat her, strangled her, and threatened her in late June 2023, the State tailored its evidentiary presentation and argument to the alleged August and October offenses. Then, in its closing argument, the State carefully linked the evidence to each of the three dates alleged in the indictments, directing the jury's attention first to the events that took place between October 28 and November 1, then to August 21, and finally to October 12.[15] Similarly, the court's jury instructions and verdict form focused the jury on these dates only.

[¶56] Second, Hanson has not precisely explained, at trial or on appeal, how he was prejudiced by a lack of notice, other than to emphasize that his trial preparation focused on defending against the alleged August and October

[15] At oral argument, Hanson argued that the State "harped" on the June 2023 assaults at the beginning of its closing argument. To the contrary, the State briefly referenced the June assaults at the outset of its argument and otherwise made only cursory references to June to argue that Hanson had displayed a pattern of abusive behavior. As we have explained, *supra* ¶ 52, evidence of the June assaults was admissible to show Hanson's modus operandi and the nature of his relationship with the victim, and we accordingly discern no error in the State's references to these assaults in its closing argument.

assaults. We are not convinced that the victim's brief testimony about the assaults—alleged to have occurred on an unknown date in June and unsupported by physical evidence or corroborating testimony from other witnesses—meaningfully deprived Hanson of the opportunity to mount his defense at trial.[16] Furthermore, Hanson conceded in his own testimony that he met the victim in late June or early July 2023 and that they spent nights together and held themselves out as a couple throughout the summer and fall of that year. He therefore cannot credibly argue that he lacked notice that the victim might testify about incidents of domestic violence that occurred early in their relationship. We accordingly conclude that the court did not plainly err in admitting the victim's testimony without a limiting instruction, and thus we discern no obvious error. *See Dolloff*, 2012 ME 130, ¶ 35, 58 A.3d 1032.

C. Sentencing

[¶57] Lastly, Hanson argues that the court erred in its sentencing analysis. Courts in Maine must follow a three-step process when imposing sentences for offenses other than murder. *See State v. Merchant*, 2026 ME 17, ¶ 12, 354 A.3d 366; 17-A M.R.S. § 1602(1) (2026).

> Step one [of the analysis] requires the court to determine the basic sentence by considering the nature and seriousness of the offense.

[16] The parties agreed at oral argument that Hanson received timely discovery of the limited statements that the victim had made regarding the June assaults.

> Step two requires the court to determine the maximum period of incarceration by looking at the relevant aggravating and mitigating sentencing factors. Finally, step three requires the court to determine what portion, if any, of the maximum term of imprisonment under step two should be suspended.

Merchant, 2026 ME 17, ¶ 12, 354 A.3d 366 (alteration, citations, and quotation marks omitted). Hanson contends that the court erred at all three steps. We review the sentencing court's imposition of the basic sentence de novo for "misapplication of principle" and its determination of the maximum sentence and final sentence for an abuse of discretion.[17] *State v. Hansen*, 2020 ME 43, ¶ 27, 228 A.3d 1082.

[¶58] The court selected Count 3 of the Franklin County indictment, domestic violence aggravated assault (Class A), 17-A M.R.S. § 208-D(1)(B), alleged to have occurred on or about October 29, 2023, as the "primary count." *See State v. Downs*, 2009 ME 3, ¶ 14, 962 A.2d 950 ("[I]n a case involving numerous counts, the court has the discretion to construct an aggregate sentence using a few of the most serious or representative counts . . . as its foundation. As to those counts, the court must engage in separate [sentencing] analyses . . . ."). Hanson focuses his arguments on the court's actions regarding

[17] In his brief, Hanson requests that we apply de novo review to all three steps of the court's sentencing analysis. We have stated on multiple occasions that we review the second and third steps of this analysis for an abuse of discretion, and we decline to deviate from that standard. *See, e.g.*, *Merchant*, 2026 ME 17, ¶ 11, 354 A.3d 366; *State v. Stanislaw*, 2013 ME 43, ¶ 17, 65 A.3d 1242.

this primary count, and we accordingly do not consider the concurrent sentences the court imposed for Hanson's other convictions. *Id.* ("As to the remaining counts, the court need not engage in separate [sentencing] analyses so long as the sentences for those counts will run concurrent with one or more of the primary counts.").

1. Basic Sentence

[¶59] Hanson asserts that the court erroneously considered facts other than the "nature and seriousness" of the crime charged in Count 3 when determining that Hanson's actions fell at the "high end of the continuum of possible ways" of committing domestic violence aggravated assault. To support its conclusion, the court cited the "three-day beating marathon" that Hanson inflicted upon the victim, the "manic, crazed way" in which he punched, strangled, bit, and cut her, and the victim's extensive injuries—bruising and broken bones on her nose and face, broken ribs, bite marks on her arms and ears, and a lacerated spleen.

[¶60] Hanson argues that because a required element of the offense charged in Count 3 is causing bodily injury that inflicts "serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ," *see* 17-A M.R.S. §§ 208(1)(A-1), 208-D(1)(B), the court

should not have considered any conduct that did not cause the victim permanent disfigurement, loss, or substantial impairment when assessing "the particular nature and seriousness of the offense." *See* 17-A M.R.S. § 1602(1)(A). He further asserts that because the court also imposed sentences for other domestic-violence offenses alleged to have occurred on or about October 29, 2023, it unconstitutionally subjected him to multiple punishments when considering the conduct underlying those offenses in determining the basic sentence for Count 3.

[¶61] We are not persuaded. We have recently explained that "[a] court may consider other offenses when setting the basic sentence if it is considering the nature of the specific offense as being part of a larger series of activity that bears on the seriousness of the offense at issue" and that such consideration does not violate a defendant's "right to be free from double jeopardy." *Merchant*, 2026 ME 17, ¶ 14 n.4, 354 A.3d 366. This is precisely what the court did here, finding that Hanson committed the offense charged in Count 3 as part of a series of violent attacks against the victim that caused her numerous injuries.[18] We therefore conclude that it did not misapply principle in

[18] The sentencing court was also aware of the difficulty that would result from trying to parse the conduct that formed the basis for Hanson's many convictions, stating that "[g]iven . . . the nature of the charges [and] the continuation at times of the same criminal conduct, the sentences I'm about to impose involve[] concurrent time."

determining Hanson's basic sentence. *Id.* ¶ 11.

2. Maximum Sentence

[¶62] Hanson next contends that the court erred at the second step of its analysis because it failed to consider two "obvious, traditional mitigating factors": Hanson's "rough" childhood and the death of his infant son in 2008. In setting Hanson's maximum sentence, the court cited one mitigating factor—Hanson's mental health and substance-use issues—and several aggravating factors. The court then imposed a maximum sentence of twenty-eight years' imprisonment.

[¶63] The court's action was not an abuse of discretion. *See id.* First, although the court did not explicitly reference the death of Hanson's son, it did account for Hanson's assertion that his son's death "messed him up mentally" by identifying Hanson's mental health issues as a mitigating factor. Second, we "afford the court significant leeway in what factors it may consider and the weight any given factor is due when determining a sentence," and a court "is not required to discuss every argument or factor that the defendant raises, as long as it does not disregard significant and relevant sentencing factors." *Aldrich*, 2026 ME 8, ¶ 81, 353 A.3d 987 (quotation marks omitted). The court accordingly acted within its discretion in declining to accept as mitigating the

effect of Hanson's upbringing.

3. Final Sentence

[¶64] Lastly, Hanson argues that the sentencing court erred in declining to suspend any portion of the twenty-eight-year maximum sentence, although he does not identify the specific nature of the claimed error. In any case, we conclude that the court did not abuse its discretion.

[¶65] "[W]e accord heightened deference to the court's determination whether to suspend any portion of the maximum period in arriving at the final sentence imposed on the offender by the court." *State v. Gordon*, 2021 ME 9, ¶ 17, 246 A.3d 170 (alteration, emphasis, and quotation marks omitted). Here, the court supportably found that Hanson's prospects of rehabilitation were slim, weighed these slim prospects against the need to protect the public, and declined to suspend any portion of the maximum sentence. This was a proper exercise of the court's discretion. *See State v. Gray*, 2006 ME 29, ¶ 18, 893 A.2d 611 (concluding that sentencing court did not abuse its discretion when it considered the "need to protect the public" and the fact that defendant "was not an appropriate candidate for probation" in declining to suspend any portion of his sentence).

The entry is:

Judgment affirmed.

Rory A. McNamara, Esq. (orally), Drake Law LLC, York, for appellant Duane D. Hanson

Neil E. McLean Jr., District Attorney, and Katherine M. Hudson-MacRae, Asst. Dist. Atty. (orally), Prosecutorial District III, Lewiston, for appellee State of Maine

Androscoggin County Unified Criminal Docket docket numbers CR-2023-3119 and CR-2025-1104
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