

### ISSUES PRESENTED

I. Whether the rule of Commonwealth v. Flebotte, 417 Mass. 348 (1994), should be expanded to require a trial judge, upon joint request of the parties in cases involving sexual assault on children, to inquire of jurors whether they have children or other close family members who have been victims of sexual assault?

II. Whether in this particular case, a credibility contest between the defendant and a single eyewitness who could have been mistaken, and whose credibility was buttressed, over objection, by repeated hearsay renditions of her account, all without limiting instruction, the principles and protections outlined in Commonwealth v. Stukich, 450 Mass. 449, 557 (2008), require ordering a new trial?

### STATEMENT OF THE CASE

Appellant George Hatzigiannis, an oral surgeon of unblemished reputation, was charged by complaint in the Peabody District Court with indecent assault and battery on a child over fourteen in violation of G.L. c. 265, § 13H. The complaint was based on an allegation he was seen touching the breast of a young teenage patient recently awakened after surgery. (A1.)<sup>1</sup>

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<sup>1</sup> The defendant's Appendix is marked "A\_\_".