

STATE OF MAINE

v.

NIXON A. LOUIS

Submitted on Briefs June 1, 2011

Decided June 2, 2011

Panel: SAUFLEY, C.J., and LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Nixon A. Louis appeals his conviction in the Superior Court (Somerset County, *Nivison, J.*) of unlawful trafficking in scheduled drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2010), and violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2010). Contrary to Louis's contentions, the court did not err in admitting the seized cocaine in evidence despite a lack of testimony addressing the transfer of the cocaine from a temporary evidence locker to a permanent evidence locker at the Madison Police Department. *See State v. Lobo*, 1998 ME 228, ¶ 10, 719 A.2d 108, 110 (testimony from police officers about the general practice regarding the use of an evidence locker sufficiently established the chain of custody as to that portion of the chain); *State v. Poirier*, 1997 ME 86, ¶¶ 2-5, 694 A.2d 448, 449 (testimony from an officer that he asked the secretary to mail a breath kit to a laboratory, combined with evidence that the laboratory received the kit with the seal intact, established the chain of custody regarding that portion of the chain and rendered unnecessary testimony from the secretary who mailed it).

Also, the court did not erroneously apply the standard for accomplice liability, pursuant to 17-A M.R.S. § 57(3)(A) (2010), when it found that Louis

knowingly transported the minor seller of the drugs to the scene of the crime because the court also necessarily found that by transporting her, Louis acted with the intent of aiding the minor in the commission of the crime. *See State v. Pheng*, 2002 ME 40, ¶ 9, 791 A.2d 925, 927 (“Although mere presence at the scene when a crime is committed is not sufficient to establish accomplice liability, once presence is proven, accomplice liability may attach upon the State’s proof of any conduct promoting or facilitating, however slightly, the commission of the crime.”); 17-A M.R.S. § 35(1), (2) (2010).

The entry is:

Judgment affirmed.

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