

STATE OF MAINE

v.

JAMES A. HEATLEY

Submitted on Briefs September 27, 2012

Decided November 1, 2012

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

MEMORANDUM OF DECISION

James A. Heatley appeals from a judgment of conviction of two counts of unlawful trafficking in scheduled drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2011), entered by the trial court (*Brennan, J.*) after a jury trial. Contrary to Heatley's contention, the evidence, when viewed in the light most favorable to the State, was sufficient for a rational jury to find, for both counts, each element of the offense charged beyond a reasonable doubt. *See State v. Williams*, 2012 ME 63, ¶ 49, --- A.3d ---. The court also did not abuse its discretion by offering to continue the matter, but declining to dismiss a count of the indictment, for the State's discovery violation. *See* M.R. Crim. P. 16(b), (d); *State v. Graham*, 2010 ME 60, ¶ 10, 998 A.2d 339; *State v. Sanborn*, 644 A.2d 475, 479-80 (Me. 1994). We decline to vacate the judgment on the basis of the State's discovery violation, and we note that the violation occurred in the context of *five* continued docket calls.

The entry is:

Judgment affirmed.

On the briefs:

Sarah A. Churchill, Esq., Strike, Goodwin & O'Brien, Portland, for
appellant James A. Heatley

William Schneider, Attorney General, Jonathan Sahrbeck, Asst. Atty. Gen.,
Office of the Attorney General, Augusta, for appellee State of Maine

York County Superior Court docket number CR-2010-1239
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