

STATE OF MAINE

v.

TINA M. OXLEY

Submitted on Briefs December 13, 2013
Decided December 17, 2013

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

MEMORANDUM OF DECISION

Tina M. Oxley appeals from a judgment of conviction entered by the trial court (*Cuddy, J.*) on a jury verdict convicting her of unlawful possession of synthetic hallucinogenic drugs (Class D), 17-A M.R.S. § 1119(1) (2012).¹ Contrary to Oxley's contention, the evidence admitted at trial was sufficient for the jury to rationally find beyond a reasonable doubt that she intentionally or knowingly possessed the drug found in her possession. *See State v. Kepner*, 2013 ME 90, ¶ 7, --- A.3d ---. Furthermore, the court did not obviously err in failing to exclude evidence of Oxley's prior drug involvement *sua sponte*, because the evidence was admissible to establish proof of Oxley's intent, knowledge, and the absence of a mistake or accident. *See State v. Jackson*, 1997 ME 174, ¶ 8, 697 A.2d 1328; M.R. Evid. 404 Advisers' Note.

The entry is:

Judgment affirmed.

¹ Title 17-A M.R.S. § 1119 has since been repealed. P.L. 2013, ch. 194, § 10 (effective Oct. 9, 2013).

On the briefs:

Hunter J. Tzovarras, Esq., Bangor, for appellant Tina M. Oxley

R. Christopher Almy, District Attorney, and Susan J. Pope, Asst. Dist. Atty.,
Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot Unified Criminal Docket docket number CR-12-1169
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