

STATE OF MAINE

v.

TIMOTHY W. MOONEY

Submitted on Briefs February 27, 2014
Decided March 6, 2014

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Timothy W. Mooney appeals from a judgment of conviction entered in the trial court (*Hjelm, J.*) of trafficking in prison contraband (Class C), 17-A M.R.S. § 757(1)(B) (2013), following a jury trial. Contrary to Mooney's contention, the court did not commit obvious error in denying his motion to admit an incident report at trial because he failed to make an offer of proof arguing that the report was admissible as a prior inconsistent statement and that the report was actually inconsistent with the officer's testimony. *See State v. Snow*, 2007 ME 26, ¶¶ 5-13, 916 A.2d 957 (holding that a court did not err in excluding evidence which may have been inadmissible for one purpose, but admissible on alternate grounds, because the proponent failed to "identify the alternate basis for admissibility"); *State v. Marr*, 551 A.2d 456, 457-58 (Me. 1988); M.R. Evid. 103(a)(2); M.R. Crim. P. 52(b).

The entry is:

Judgment affirmed.

On the briefs:

Thomas F. Shehan, Jr., Esq., Searsport, for appellant Timothy Mooney

Geoffrey A. Rushlau, District Attorney, and Christopher Fernald, Asst. Dist. Atty., Prosecutorial District Six, Rockland, for appellee State of Maine

Knox County Superior Court docket number CR-2011-24
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