

STATE OF MAINE

v.

COLEN M. McNALLY

Submitted on Briefs February 23, 2017

Decided March 7, 2017

Panel: ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Colen M. McNally appeals from a judgment of conviction entered by the trial court (Aroostook County, *Hunter, J.*) after a jury found him guilty of one count of unlawful trafficking in scheduled drugs, (Class B), 17-A M.R.S. § 1103(1-A)(A) (2016).

Contrary to McNally's contentions, the court neither erred nor abused its discretion when it disposed of his discovery motion without a hearing because (1) M.R.U. Crim. P. 16(d)(2) explicitly provides that a court may decide a discovery motion without a hearing, and (2) the information McNally requested through the motion was ultimately provided to him in a timely manner without a hearing. *See State v. Sanborn*, 644 A.2d 475, 479 (Me. 1994). Nor do we discern an error or an abuse of discretion in the court's denial of McNally's motion to continue. The record demonstrates that from the time McNally obtained the information he sought through his discovery motion, he had sufficient time to prepare before his case proceeded to trial. Therefore, based on the record, we cannot conclude that he was

prejudiced by the court's denial of his motion to continue. *See State v. Dube*, 2014 ME 43, ¶ 13, 87 A.3d 1219.

The entry is:

Judgment affirmed.

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Eugene J. McLaughlin, Esq., Presque Isle, for appellant Colen M. McNally

Todd R. Collins, District Attorney, and Kurt A. Kafferlin, Asst. Dist. Atty., 8th  
Prosecutorial District, Houlton, for appellee State of Maine

Aroostook County Unified Criminal Docket docket number CR-2015-30067  
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