

STATE OF MAINE

v.

CHARLES B. LIBBY

Argued May 11, 2017
Decided May 30, 2017

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

MEMORANDUM OF DECISION

Charles B. Libby appeals from a judgment of conviction of unlawful trafficking in scheduled drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2016), entered by the trial court (Aroostook County, *Stewart, J.*) following a jury trial. Contrary to Libby's contention, the court did not clearly err in finding that the chain of custody concerning the three pills that Libby sold to a confidential informant was sufficient to allow their admission in evidence. *See State v. Diana*, 2014 ME 45, ¶¶ 25-27, 30, 89 A.3d 132; *State v. Berke*, 2010 ME 34, ¶ 11, 992 A.2d 1290; *State v. Vanassche*, 566 A.2d 1077, 1079 (Me. 1989).

Furthermore, the pills were visually identified as thirty-milligram oxycodone tablets by the informant, who had used the drug in the past; two experienced Maine Drug Enforcement Agency special agents; and an experienced licensed pharmacist, who also compared the pills to exemplars known to be genuine and found them to be identical. That evidence, when coupled with the witnesses' description of the circumstances of the sale and Libby's use of the street name of the drug during the transaction, was sufficient for the court to deny Libby's motion for a judgment of acquittal, and

for the jury to rationally find beyond a reasonable doubt that the pills were oxycodone. *See State v. Hayward*, 2017 ME 33, ¶ 10, 156 A.3d 734; *State v. Lowden*, 2014 ME 29, ¶ 13, 87 A.3d 694; *State v. Barnard*, 2001 ME 80, ¶¶ 8, 12 & n.9, 14-15, 772 A.2d 852.

The entry is:

Judgment affirmed.

Alan F. Harding, Esq. (orally), Hardings Law Office, Presque Isle, for appellant Charles B. Libby

Todd R. Collins, District Attorney (orally), and Carrie L. Linthicum, Dep. Dist. Atty., Prosecutorial District VIII, Presque Isle, for appellee State of Maine

Aroostook County Unified Criminal Division docket number CR-2015-40405
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