

STATE OF MAINE

v.

EZRA LEBLANC-SIMPSON

Submitted on Briefs February 26, 2018
Decided March 15, 2018

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

MEMORANDUM OF DECISION

Ezra LeBlanc-Simpson appeals from a judgment of conviction for reckless conduct with a dangerous weapon (Class C), 17-A M.R.S. §§ 211(1), 1252(4) (2017), criminal threatening with a dangerous weapon (Class C), 17-A M.R.S. §§ 209(1), 1252(4) (2017), and two counts of violating a condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2017), entered in the Unified Criminal Docket (Cumberland County, *L. Walker, J.*) after a jury trial.¹

Contrary to LeBlanc-Simpson's contention, the court did not err when it denied his motion to suppress evidence from the search of his vehicle following his arrest. The State presented evidence at the motion hearing that supported its arguments that the search was lawful. Therefore, absent a motion for further findings, we infer that the court found all of the facts necessary to support its decision. *See State v. Sasso*, 2016 ME 95, ¶ 18, 143 A.3d 124; M.R.U. Crim. P. 41A(d).

¹ LeBlanc-Simpson pleaded guilty to the two counts of violating a condition of release before the trial. Sentencing for those two counts occurred after the jury trial.

LeBlanc-Simpson also contends that the court erred and abused its discretion by admitting in evidence a 911 call pursuant to the excited utterance exception to the hearsay rule. *See State v. Taylor*, 2011 ME 111, ¶ 20, 32 A.3d 440; M.R. Evid. 803(2). Even if the court did err or abuse its discretion in admitting the 911 call, any error was harmless because a witness provided testimony at the trial conveying similar information to that which was provided in the 911 call. *See State v. McLaughlin*, 642 A.2d 173, 175 (Me. 1994); M.R.U. Crim. P. 52(a).

The entry is:

Judgment affirmed.

Neale A. Duffett, Esq., Cloutier, Conley & Duffett, P.A., Portland, and Lawrence C. Winger, Esq., Portland, for appellant Ezra LeBlanc-Simpson

Stephanie Anderson, District Attorney, and Jennifer F. Ackerman, Dep. Dist. Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine