

STATE OF MAINE

v.

CHRISTOPHER WILSON

Argued March 6, 2018

Decided July 31, 2018

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

MEMORANDUM OF DECISION

Christopher Wilson appeals from a judgment convicting him of aggravated trafficking of cocaine base (Class A), 17-A M.R.S. § 1105-A(1)(B)(1) (2017), and possession of heroin (Class C), 17-A M.R.S. § 1107-A(1)(B-1) (2017), entered by the court (Kennebec County, *Stanfill, J.*) following a bench trial. *See* M.R. App. P. 2B(b). We affirm the judgment.

First, contrary to Wilson’s contention on appeal, the court (*Stokes, J.*) did not err by denying Wilson’s motion to suppress evidence obtained during an investigatory detention because competent evidence in the record supports the court’s conclusion that the officer had reasonable articulable suspicion to justify the detention. *See State v. Gerry*, 2016 ME 163, ¶¶ 11, 12, 150 A.3d 810; *State v. Littlefield*, 677 A.2d 1055, 1056, 1058 (Me. 1996).

Second, the court (*Stanfill, J.*) did not abuse its discretion or otherwise err when it declined to exclude evidence of Wilson’s past conviction as a sanction because there was no substantive difference between the documents produced during discovery and those offered at trial, and therefore there was no “element

of unfair surprise at trial.” *State v. Hassan*, 2018 ME 22, ¶¶ 11, 12, 179 A.3d 898 (quotation marks omitted) (also reviewing a court’s decision not to impose sanctions for an abuse of discretion); *State v. Gagne*, 2017 ME 63, ¶¶ 29, 30, 159 A.3d 316 (holding that due process was not violated where defendant was “made aware of potentially exculpatory evidence before trial—even though soon before trial”).

Third, the court did not clearly err when it determined that the State presented sufficient evidence of the chain of custody for the heroin and cocaine base found in Wilson’s possession and later chemically analyzed. *See State v. Diana*, 2014 ME 45, ¶¶ 27, 30, 89 A.3d 132; *State v. Cress*, 344 A.2d 57, 61 (Me. 1975) (“De minimis ‘breaks’ in the chain of custody go to the weight to be given such evidence, rather than to disqualify it entirely for admissibility.”)

Finally, Wilson asserts that the court erred by denying his motion for acquittal because the State did not produce evidence of the quantity of cocaine base in isolation, which, he contends, is necessary to invoke the statutory presumption that he had been trafficking in the drug. *See* 17-A M.R.S. § 1103(3)(B) (2017). Pursuant to our recent decision in *State v. McLaughlin*, 2018 ME 97, ¶ 23, --- A.3d ---, however, the State is not required to “prove the weight of ‘pure’ cocaine base because the definition of cocaine base is ‘a mixture or preparation that contains any quantity of’ cocaine base.” The precedential effect of *McLaughlin* disposes of Wilson’s argument to the contrary. *See Bourgeois v. Great N. Nekoosa Corp.*, 1999 ME 10, ¶ 5, 722 A.2d 369 (“*Stare decisis* embodies the important social policy of continuity in the law by providing for consistency and uniformity of decisions.”); *see generally Shaw v. Jendzejec*, 1998 ME 208, ¶¶ 8-13, 717 A.2d 367.

The entry is:

Judgment affirmed.

Jeremy Pratt, Esq. (orally), and Ellen Simmons, Esq., Camden, for appellant Christopher Wilson

Maeghan Maloney, District Attorney, and Alisa Ross, Asst. Dist. Atty. (orally), Prosecutorial District IV, Augusta, for appellee State of Maine

Kennebec County Unified Criminal Docket docket number CR-2016-2658
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