

STATE OF MAINE

v.

KARON E. BAKER

Argued November 4, 2019
Decided November 19, 2019

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

MEMORANDUM OF DECISION

Karon Baker appeals from a judgment of conviction entered by the Unified Criminal Docket (Kennebec County, *Stokes, J.*) after Baker pleaded guilty, conditionally, to two counts of aggravated trafficking in scheduled drugs, 17-A M.R.S. §§ 1105-A(1)(D), (1)(H) (2018), and admitted to two counts of criminal forfeiture, 15 M.R.S. § 5826 (2018). Pursuant to the terms of his conditional guilty plea, Baker challenges the denial of three separate pre-trial motions.

First, Baker contends that the court (*Stanfill, J.*) erred in denying his motion to disclose the identities of confidential informants by applying the incorrect legal standard. We review “whether an informant’s identity must be disclosed for an abuse of discretion or other error of law.” *State v. Faust*, 1997 ME 135, ¶ 6, 695 A.2d 1088. Contrary to Baker’s argument, the court applied the correct standard. See Me. R. Evid. 509(d); *Faust*, 1997 ME 135, ¶¶ 6, 8, 695 A.2d 1088.

Second, Baker contends that the court (*Marden, J.*) erred in denying his motion to suppress evidence obtained as a result of the execution of a search warrant that named Baker as a person to be searched. Contrary to Baker's argument, the trial court did not err in finding that the affidavit submitted in support of the search warrant contained sufficient information to support a finding of probable cause for a search of Baker's person. Employing the commonsense, totality-of-the-circumstances analysis laid out in *Illinois v. Gates*, 462 U.S. 213, 238 (1983), and "affording great deference to the issuing magistrate," *State v. Nunez*, 2016 ME 185, ¶ 18, 153 A.3d 84, the affidavit supports a finding of probable cause and establishes a nexus between Baker and evidence of a crime.

Third, Baker contends that the court (*Mullen, J.*) erred in denying his motion for a *Franks* hearing. *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978). Contrary to Baker's argument, the court did not err in finding that Baker had not put forth a sufficient offer of proof to obtain a *Franks* hearing. *Franks*, 438 U.S. at 155; *State v. Thompson*, 2017 ME 13, ¶ 20, 154 A.3d 614.

The entry is:

Judgment affirmed.

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for appellant Karon E. Baker

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Office of the Attorney General, Augusta, for appellee State of Maine