

STATE OF MAINE

v.

JUAN ESPINAL

Submitted on Briefs December 20, 2023

Decided January 9, 2024

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Juan Espinal appeals from a judgment of conviction for aggravated trafficking of scheduled drugs (Class A), 17-A M.R.S. § 1105-A(1)(M) (2023), and unlawful trafficking in scheduled drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2023), entered by the trial court (Somerset County, *Mullen, C.J.*) following a jury trial. Contrary to Espinal's contention, from the evidence admitted at trial the jury could rationally find beyond a reasonable doubt that he constructively possessed the drugs seized from the apartment where he was staying, and could ultimately find every element of the offenses charged. *See State v. Anderson*, 2016 ME 183, ¶¶ 25-26, 30-32, 152 A.3d 623.

The court also entered judgment against Espinal on one count of criminal forfeiture, 15 M.R.S. § 5826 (2023), concerning \$719 found in his wallet.¹ Although we are satisfied as to the court's intent based on its statement when imposing sentence, we note that the record does not contain a final order of

¹ The statute has since been amended. P.L. 2023, ch. 196, § 1 (effective Oct. 25, 2023).

disposition as required by 15 M.R.S. § 5826(6).² In the interest of judicial economy, we affirm the judgment and remand in order that the court may issue an appropriate order and make a corresponding entry on the docket.

The entry is:

Judgment affirmed. Remanded for the trial court to issue an order complying with 15 M.R.S. § 5826(6) concerning Count 3 and to note the order on the court's docket.

James M. Mason, Esq., Handelman & Mason LLC, Brunswick, for appellant Juan Espinal

Maeghan Maloney, District Attorney, and Francis Griffin Jr., Dep. Dist. Atty., Office of the District Attorney, Skowhegan, for appellee State of Maine

Somerset County Unified Criminal Docket docket number CR-2022-931
FOR CLERK REFERENCE ONLY

² The judgment and commitment simply indicates "CT 3 \$719.00" and there is no corresponding docket entry.