

STATE OF MAINE

v.

JUAN INFANTE a/k/a JUAN YNFANTE

Submitted on Briefs September 26, 2002
Decided October 9, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Juan Infante appeals from a judgment of the Superior Court (Cumberland County, *Humphrey, J.*) entered after a jury-waived trial convicting him of unlawful trafficking in Schedule W Drugs (Class B), 17-A M.R.S.A. § 1103(2)(A) (Supp. 2001) and trafficking in prison contraband (Class C), 17-A M.R.S.A. § 757 (1983 & Supp. 2001). On a separate count, the court also ordered a criminal forfeiture of \$960. 15 M.R.S.A. §§ 5821-5827 (Supp. 2001). Infante's sole contention on appeal is that, because both offenses arise from the same facts, possession of four or more grams of cocaine base, the State is barred as a matter of statutory construction from prosecuting or convicting Infante for both trafficking in Schedule W Drugs and trafficking in prison contraband.

The rule of statutory construction that we recognized in *State v. Pineo*, 2002 ME 93, ¶ 9, 798 A.2d 1093, 1097, permitting multiple convictions for separately defined offenses arising out of the same criminal act, governs resolution in this case.

The entry is:

Judgment affirmed.

Attorneys for State:

Stephanie Anderson, District Attorney
Julia Sheridan, Asst. Dist. Atty.
142 Federal Street
Portland, ME 04101

Attorney for defendant:

Joseph S. Mekonis, Esq.
Law Offices of Anthony J. Sineni III, LLC
701 Congress Street
Portland, ME 04102