

STATE OF MAINE

v.

JOHN AMES et al.

Submitted on Briefs September 26, 2002
Decided November 22, 2002

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

MEMORANDUM OF DECISION

John and Kendall Ames appeal from the judgments of conviction entered in the Superior Court (Franklin County, *Gorman, J.*) following a trial at which a jury found John guilty of Class E crimes pursuant to 12 M.R.S.A. § 7452(1-D) (1994) for illegal trapping of bear; *id.* § 7452(2), using an illegal bear trap; *id.* § 7452(1-C), illegal baiting of bear; and *id.* § 7432(9), failure to label traps; and found Kendall guilty of a Class E crime pursuant to *id.* § 7452(7) for false registration of bear. Contrary to their contentions, the court acted within the bounds of its discretion in permitting a warden to testify as a lay witness as to what he observed

and concluded when he skinned the bear, *see* M.R. Evid. 701; *State v. Cunningham*, 1997 ME 60, ¶ 4, 691 A.2d 1219, 1221; in holding that the skinning of the bear did not create a “material break in the chain of custody,” *see* M.R. Evid. 901; *State v. Thibodeau*, 353 A.2d 595, 603-04 (Me. 1976). The evidence was sufficient to support the convictions. *See State v. Glover*, 594 A.2d 1086, 1088 (Me. 1991).

The entry is:

Judgments affirmed.

Attorneys for State:

Norman R. Croteau, District Attorney
James A. Andrews, Asst. Dist. Atty.
140 Main Street
Farmington, ME 04938

For defendants:

Robert C. Andrews, Esq.
P. O. Box 17621
Portland, ME 04112 (for John Ames)

Kendall Ames
349 Old Bath Road
Brunswick, ME 04011