

STATE OF MAINE

v.

JAMES SMITH

Argued February 7, 2002  
Decided March 18, 2002

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

MEMORANDUM OF DECISION

James Smith appeals from judgments of conviction entered in the Superior Court (Aroostook County, *Pierson, J.*) following a trial at which a jury found Smith guilty of the crimes of burglary (Class C), 17-A M.R.S.A. § 401 (1983 & Supp. 2001); theft by unauthorized taking (Class C), *id.* § 353; and criminal mischief (Class D), *id.* § 806. Contrary to Smith's contentions, the trial court did not commit error when it denied Smith's motion to suppress evidence because his arrest was lawful, *State v. Candage*, 549 A.2d 355, 360 (Me. 1988), and there was no violation of Smith's right to remain silent, *State v. McKechnie*, 1997 ME 40, ¶ 7, 690 A.2d 976, 978; the court acted within its discretion when it did not empanel an entirely new jury panel at Smith's request, *State v. Weidul*, 649 A.2d 318, 319 (Me. 1994); and, the court did not act outside its discretion in allowing a witness to testify as an expert in dog tracking, M.R. Evid. 702, *State v. Cole*, 1997 ME 112, ¶ 9, 695 A.2d 1180, 1182.

The entry is:

Judgments affirmed.

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