

STATE OF MAINE

v.

MALCOLM H. EMERY

Submitted on Briefs July 22, 2002  
Decided July 30, 2002

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

MEMORANDUM OF DECISION

Malcolm H. Emery appeals from a judgment of conviction entered in the Superior Court (Knox County, *Humphrey, J.*) following a jury trial on the charges of arson (Class A), 17-A M.R.S.A. § 802(1)(A), (3) (1983 & Supp. 2001), and aggravated criminal mischief (Class C), 17-A M.R.S.A. § 805(1)(A)(2) (1983 & Supp. 2001).

Contrary to Emery's contentions, the Superior Court (*Atwood, J.*) did not err in examining the totality of the circumstances in which Emery's statements were made and finding that those statements were voluntary and not made during a custodial interrogation. *See State v. Higgins*, 2002 ME 77, ¶ 13, 796 A.2d 50, 54-55 (custody); *State v. Sawyer*, 2001 ME 88, ¶ 9, 772 A.2d 1173, 1176 (voluntariness); *State v. McConkie*, 2000 ME 158, ¶ 9, 755 A.2d 1075, 1078 (same).

The entry is:

Judgment affirmed.

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