

STATE OF MAINE

v.

RICHARD H. WALLS

Argued January 15, 2003  
Decided January 29, 2003

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

MEMORANDUM OF DECISION

Richard Walls appeals from a judgment of the Superior Court (Franklin County, *Gorman, J.*) entered after a jury found him guilty of the sale of unregistered securities in violation of 32 M.R.S.A. §§ 10401, 10604(1)(A) (1999) (Class C), unlicensed sale of securities in violation of 32 M.R.S.A. §§ 10301(1), 10604(1)(A) (1999) (Class C), violation of an order of the Securities Administrator, in violation of 32 M.R.S.A. §§ 10604(1)(B) (1999) (Class C), and fraud and deception in the sale of securities in violation of 32 M.R.S.A. §§ 10201, 10604(1)(A) (1999) (Class C). Walls argues that the trial court erred in: (1) denying his motion to exclude evidence of prior similar acts; (2) admitting into

evidence a letter from the Texas Securities Board to Walls and a taped conversation between the Texas Board of Securities Assistant Director of Enforcement and Walls, both concerning Walls's improper sale of notes to Texas consumers; (3) preventing him from presenting alternative suspect evidence at trial; and (4) allowing the prosecutor to make an improper closing argument by "effectively" stating that evidence of Walls's prior acts could be used to establish his guilt.

The trial court properly admitted evidence and permitted argument regarding similar prior improper sales by Walls that had been addressed by securities regulators and the courts, because knowledge of the impropriety of his acts was an element of the crimes charged. *See State v. Jackson*, 1997 ME 174, ¶ 8, 697 A.2d 1328, 1331; *see also* Field & Murray, *Maine Evidence* § 404.8 (2000 ed.). While there was a considerable volume of evidence regarding prior improper acts, no obvious error is indicated as to any particular piece of evidence. *See State v. White*, 2002 ME 122, ¶ 8, 804 A.2d 1146, 1149. The court also properly refused Walls's efforts to present evidence that others involved in Walls's sales venture had not been charged with crimes, and there was no impropriety in the prosecutor's closing argument.

The entry is:

Judgment affirmed.

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