

STATE OF MAINE

v.

WAYNE T. BEAUMONT

Submitted on Briefs October 23, 2003
Decided October 30, 2003

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

MEMORANDUM OF DECISION

Wayne Beaumont appeals from an order of the Superior Court (Cumberland County, *Humphrey, J.*) denying his motion to dismiss based on double jeopardy. Contrary to Beaumont's assertions, it was not clear error for the court to determine that a state trooper's inappropriate testimony leading to a mistrial did not create a constitutional bar to retrial. *See State v. Chase*, 2000 ME 114, ¶ 8, 754 A.2d 961, 964; *State v. Chapman*, 496 A.2d 297, 300 (Me. 1985). Further, we decline Beaumont's invitation to adopt an "inexcusable negligence" standard in double jeopardy cases. *Chase*, 2000 ME 114, ¶ 6 n.3, 754 A.2d at 963.

The entry is:

Judgment affirmed.

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