

STATE OF MAINE

v.

SUSIE KITTRELL

Submitted on Briefs October 23, 2003
Decided November 4, 2003

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

MEMORANDUM OF DECISION

Susie Kittrell appeals from the judgment entered following the jury's verdict by the Superior Court (Cumberland County, *Gorman, J.*) convicting her of two counts of trafficking in scheduled drugs (Class B), 17-A M.R.S.A. § 1103(1) & (2)(A) (Supp. 2002). Kittrell contends that the Superior Court (1) improperly admitted statements on the label of a prescription bottle; (2) allowed drug identification evidence without a sufficient showing of chain of custody; and (3) imposed an illegal probation condition in limiting her prescription sources to one doctor and one pharmacy.

The error, if any, in admitting Kittrell's name and the date from the prescription label is harmless, as it addressed neither the source nor the identification of the drugs that were the subject of the trafficking charge. *See State v. DeMass*, 2000 ME 4, ¶ 17, 743 A.2d 233, 237. The chain of custody issue addressed the weight to be given the evidence by the jury, not its admissibility. *See State v. Poirier*, 1997 ME 86, ¶ 4, 694 A.2d 448, 449. The one doctor/one pharmacy condition of Kittrell's probation was appropriate and was not an error of law. *See State v. Nolan*, 2000 ME 165, ¶¶ 8-9, 759 A.2d 721, 723-24.

The entry is:

Judgment affirmed.

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