

STATE OF MAINE

v.

ROY T. POWELL

Argued December 10, 2002
Decided January 10, 2003

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

MEMORANDUM OF DECISION

Roy T. Powell appeals from the judgment of conviction following entry of the jury's verdict in the Superior Court (Oxford County, *Warren, J.*) finding him guilty on three charges: illegal possession of a deer killed at night (Class D), 12 M.R.S.A. § 7406(10) (1994 & Supp. 2002), false registration of a deer (Class E), 12 M.R.S.A. § 7458(7) (1994), and unsworn falsification (Class D), 17-A M.R.S.A. § 453(1)(A) (1983). Contrary to Powell's contentions, the court did not enter clearly erroneous findings of fact or commit an error of law when it denied

Powell's motion to suppress, *see State v. Anderson*, 1999 ME 18, ¶ 6, 724 A.2d 1231, 1233.

Nor did the court exceed the bounds of its discretion when it: (1) did not dismiss the jury panel *sua sponte* following one juror's comments during jury selection, *see State v. Corson*, 572 A.2d 483, 485-86 (Me. 1990); (2) admitted the expert testimony of a warden, *see State v. Howe*, 2001 ME 181, ¶ 8, 788 A.2d 161, 163; and (3) did not strike, *sua sponte*, a response related to the witness's reason for action, *see State v. Almurshidy*, 1999 ME 97, ¶ 28, 732 A.2d 280, 287-88. Finally, the court correctly excluded evidence of Powell's willingness to take a lie detector test, *see Heselton v. Wilder*, 496 A.2d 1063, 1065 (Me. 1985); *see State v. Burnham*, 427 A.2d 969, 971 (Me. 1981); and correctly concluded that surreptitious audio taping by the game warden did not violate Powell's rights pursuant to the Maine and United States Constitutions, *see State v. Cyran*, 586 A.2d 1238, 1240-41 (Me. 1991).

The entry is:

Judgment affirmed.

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