

STATE OF MAINE

v.

PAUL MASON III

Submitted on Briefs December 12, 2003  
Decided December 22, 2003

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

MEMORANDUM OF DECISION

Paul Mason III, appeals from a judgment of conviction in the Superior Court (Hancock County, *Hjelm, J.*) entered after a jury found him guilty of manslaughter (Class A);<sup>1</sup> aggravated assault (Class B);<sup>2</sup> reckless conduct with a dangerous weapon (Class C);<sup>3</sup> eluding an officer (Class C);<sup>4</sup> and criminal OUI (Class C).<sup>5</sup>

The trial court properly permitted the State to impeach its own witness, *see* M.R. Evid. 607, and it did not abuse its discretion in (1) allowing one State witness to testify while excluding another as a sanction for late compliance with expert

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<sup>1</sup> 17-A M.R.S.A. § 203(1)(A)(3) (Supp. 2001).

<sup>2</sup> 17-A M.R.S.A. § 208(1)(B) (1983).

<sup>3</sup> 17-A M.R.S.A. §§ 211(1), 1252(4) (1983).

<sup>4</sup> 29-A M.R.S.A. § 2414(3) (1996).

<sup>5</sup> 29-A M.R.S.A. § 2411(1), (6) (1996).

witness discovery requirements pursuant to M.R. Crim. P. 16(d); (2) permitting a fact witness to testify as to conclusions made from observations previously reported in medical records, *see* M.R. Evid. 702; and (3) refusing to allow as conditionally relevant, *see* M.R. Evid. 104(b), impeachment evidence regarding statements of two witnesses who had not yet testified and whose statements had not been offered by the State.

The entry is:

Judgment affirmed.

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