

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 03-62
Docket No. Wal-02-643

STATE OF MAINE

v.

WILLIAM CHAPMAN

Argued April 11, 2003
Decided April 25, 2003

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

MEMORANDUM OF DECISION

William Chapman appeals from his conviction for unlawful trafficking in scheduled drugs (Class C), in violation of 17-A M.R.S.A. § 1103(1) (Supp. 2002) and marijuana cultivation (Class D), in violation of 17-A M.R.S.A § 1117(1), (2)(C) (Supp. 2002) after a trial by jury (Waldo County, *Marden, J.*). Chapman argues that there was insufficient evidence to support his conviction and that the trial court erred by: (1) failing to suppress statements that he made to the police; (2) denying Chapman's motion for a new trial made after the verdict on grounds that a juror seemed to be dozing during a portion of the proceedings; and (3)

imposing upon Chapman a more severe sentence than the one imposed upon his co-defendant.

Chapman's motion to suppress was properly denied because the officers legally searched the property based on the open fields doctrine, *see Oliver v. United States*, 466 U.S. 170, 177-83 (1984), and the co-defendant property owner's consent to search. *See State v. Pike*, 642 A.2d 145, 147 (Me. 1994). Chapman's detention was based on sufficient cause, and any statements made subsequent to his detention were volunteered. *State v. Leonard*, 2002 ME 125, ¶ 11, 802 A.2d 991, 993.

The evidence was sufficient to support the conviction beyond a reasonable doubt. *State v. Stinson*, 2000 ME 87, ¶ 6, 751 A.2d 1011, 1014. When a juror was observed to be dozing, Chapman did not suggest any corrective action, and the record is silent as to whether the observed problem continued, thus the issue is not sufficiently preserved. *State v. Merchant*, 2003 ME 44, ¶¶ 27-28, --- A.2d ---. No illegality is indicated in Chapman's sentence, and the propriety of the sentence is not properly before us on direct appeal. *State v. Frechette*, 678 A.2d 628, 629 (Me. 1996).

The entry is:

Judgment affirmed.

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