

STATE OF MAINE

v.

HERBERT HAMPE

Submitted on Briefs April 9, 2003  
Decided May 1, 2003

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

MEMORANDUM OF DECISION

Herbert Hampe appeals from a judgment of the Superior Court (Somerset County, *Jabar, J.*) convicting him of one count of unlawful trafficking in scheduled drugs (Class C) in violation of 17-A M.R.S.A. § 1103(1) (Supp. 2002) (amended 2003). Hampe contends that the court abused its discretion when it declared a mistrial at his first trial. The jury at his first trial deliberated for over five hours and reported a deadlock two times, each juror believed that the jury was hopelessly deadlocked, and Hampe was given an opportunity to participate in the decision to declare the mistrial. The court did not abuse its discretion when it declared a mistrial for manifest necessity. *State v. Torrie*, 2002 ME 59, ¶¶ 8-13, 794 A.2d 82, 85-87.

The entry is:

Judgment affirmed.

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