

STATE OF MAINE

v.

MIGUEL RODRIGUEZ-CORREA

Submitted on Briefs June 24, 2004

Decided July 29, 2004

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

MEMORANDUM OF DECISION

Miguel Rodriguez-Correa appeals from a judgment of conviction entered in the Superior Court (Cumberland County, *Delahanty, J.*) after a jury found him guilty of one count of aggravated trafficking of scheduled drugs within 1000 feet of a public school (Class A). 17-A M.R.S.A. § 1105-A(1)(E)(1) (Supp. 2003). Rodriguez-Correa contends that the court committed reversible error by prohibiting him from questioning the investigating detective about information contained in the detective's handwritten notes regarding another Hispanic male suspect, which was excluded from the detective's official report. Rodriguez-Correa also contends

that the court erred by excluding evidence of the State's dismissal of one count of aggravated trafficking of scheduled drugs that allegedly occurred on February 6, 2003, the day before the date of the offense for which Rodriguez-Correa was convicted. He contends that the evidence of the dismissed count would demonstrate bias by the investigating detective in assuming that Rodriguez-Correa had committed both offenses.

Contrary to Rodriguez-Correa's first contention, he had a sufficient opportunity to cross-examine the detective about the notes, and the court did not exceed the scope of its discretion under M.R. Evid. 403 by not permitting further examination. *See State v. MacDonald*, 1998 ME 212, ¶¶ 5, 11, 718 A.2d 195, 197, 199 (upholding the court's exclusion of testimony pursuant to M.R. Evid. 702 where the testimony would not help the jury in assessing the credibility of the defendant's confession and the information was within the jurors' common knowledge). Contrary to Rodriguez-Correa's second contention, evidence of the detective's mistake as to the identity of the suspect of the February 6 drug sale is not probative of the detective's alleged bias in the investigation of Rodriguez-Correa with regard to the February 7 offense. Because evidence of an unrelated offense would have been both confusing and a waste of time, the court acted within the scope of its discretion by excluding it pursuant to M.R. Evid. 403. *See State v. Robinson*, 2002 ME 136, ¶ 15, 803 A.2d 452, 457-58.

The entry is:

Judgment affirmed.

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