

STATE OF MAINE

v.

ROSE LARKIN

Submitted on Briefs June 24, 2004

Decided July 30, 2004

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

MEMORANDUM OF DECISION

Rose Larkin appeals from a conviction for theft (Class E), 17-A M.R.S.A. § 353(1)(A) (Supp. 2003), entered after a jury trial in the Superior Court (Sagadahoc County, *Mills, C.J.*). She asserts that the evidence is insufficient to support her conviction for theft of a cat, that the case should have been dismissed as a de minimis offense, 17-A M.R.S.A. § 12 (1983), and that there was error in the court's jury instructions. These last two points were not properly presented to and preserved in the trial court. Because the evidence is sufficient to support all of the elements of the theft charge, the other issues were not properly presented to or preserved in the trial court, and no obvious error appears in the record, we affirm the judgment. *See State v. Duval*, 666 A.2d 496, 497-98 (Me. 1995) (theft

elements); *State v. White*, 2002 ME 122, ¶ 8, 804 A.2d 1146, 1149 (limited review of unpreserved issues).

The entry is:

Judgment affirmed.

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