

STATE OF MAINE

v.

DAVID BOOTH

Submitted on Briefs November 3, 2004

Decided December 6, 2004

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

MEMORANDUM OF DECISION

David Booth appeals from a judgment of conviction for trafficking in a schedule W drug (Class B), 17-A M.R.S.A. § 1103(1) (1983),<sup>1</sup> entered in the Superior Court (Cumberland County, *Gorman, J.*) following a jury trial. Contrary to Booth's contentions, the court committed no error in denying Booth's motion to suppress evidence obtained during a search of his home. *See State v. Dignoti*, 682 A.2d 666, 670-71 (Me. 1996); *State v. Kennedy*, 645 A.2d 7, 8 (Me. 1994). Further, the court did not err in concluding that there is sufficient evidence that

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<sup>1</sup> Booth was indicted in December 2002 pursuant to then 17-A M.R.S.A. § 1103 (1983). Section 1103 was repealed by P.L. 2001, ch. 383, § 114 (effective January 31, 2003), and replaced by 17-A M.R.S.A. § 1103(1-A) (Supp. 2003). The elements of trafficking in scheduled drugs are identical in both versions of the statute.

trafficking in a schedule W drug was committed by someone, independent of Booth's statements, within the meaning of the corpus delicti rule. *See State v. Knight*, 2002 ME 35, ¶ 12 n.4, 791 A.2d 110, 114; *State v. Anglin*, 2000 ME 89, ¶ 9, 751 A.2d 1007, 1010-11. Moreover, there is sufficient evidence in the record to have allowed the jury to find that Booth committed each element of the crime beyond a reasonable doubt. *See State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027. Lastly, the court did not commit obvious error when it admitted evidence at trial to which Booth did not object. *See State v. Small*, 2000 ME 182, ¶ 5, 763 A.2d 104, 105; M.R. Crim. P. 52(b).

The entry is:

Judgment affirmed.

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