

STATE OF MAINE

v.

RALPH A. FRANCIS

Submitted on Briefs January 22, 2004
Decided February 20, 2004

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

MEMORANDUM OF DECISION

Ralph A. Francis appeals from a judgment of conviction of trafficking in scheduled drugs (Class A), 17-A M.R.S.A. § 1105 (Supp. 1998),¹ entered after a jury trial in the Superior Court (Washington County, *Hunter, J.*). Contrary to Francis's assertions, the court ultimately had sufficient evidence of authenticity to admit an audiotape of a controlled drug purchase, *see* M.R. Evid. 901(b)(5); the court did not commit obvious error by receiving as an exhibit a written statement offered as recorded recollection, *see State v. Chasse*, 2000 ME 90, ¶ 12, 750 A.2d

¹ This statute was repealed in 2001 and replaced by 17-A M.R.S.A. § 1105-A(1)(A)(1) (Supp. 2003).

586, 590; and the court did not act beyond its discretion in denying a motion for mistrial following testimony that police suspected Francis had been dealing drugs from his home, *see State v. DePhilippo*, 628 A.2d 1057, 1058 (Me. 1993).

The entry is:

Judgment affirmed.

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