

STATE OF MAINE

v.

KEVIN BREWER

Submitted on Briefs November 25, 2003

Decided January 5, 2004

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

MEMORANDUM OF DECISION

Kevin Brewer appeals from a judgment of conviction entered in the Superior Court (Lincoln County, *Atwood, J.*) following a jury verdict finding Brewer guilty of criminal operating under the influence (Class D), 29-A M.R.S.A. § 2411(1)(B) (1996). Contrary to Brewer's contentions, we discern neither error nor abuse of discretion on the part of the Superior Court when it required Brewer to make an offer of proof before cross-examining a State's witness on a subject that Brewer asserted was related to the witness's bias, but could lead the jury into unrelated areas. Brewer did not further pursue the issue with the court, and the evidence was presented through other witnesses, *see* M.R. Evid. 403; the court acted well within

its discretion when it excluded photographs purporting to depict injuries to a witness for Brewer, which were allegedly caused by the arresting officer, M.R. Evid. 403; and the court did not err in declining to give a curative instruction regarding comments made by the State in closing argument, which suggested that in evaluating the defendant's testimony, the jury could consider his interest in the case, *see State v. Young*, 662 A.2d 904, 908 (Me. 1995); *State v. Weisbrode*, 653 A.2d 411, 416 (Me. 1995); Alexander, *Maine Jury Instruction Manual* § 6-24 (4th ed. 2003).

The entry is:

Judgment affirmed.

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