

STATE OF MAINE

v.

LAVALLE CALDWELL

Submitted on Briefs July 14, 2005
Decided August 4, 2005

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

MEMORANDUM OF DECISION

Lavalle Caldwell appeals from a judgment of conviction entered in the Superior Court (Cumberland County, *Warren, J.*) after a jury found him guilty of robbery, 17-A M.R.S.A. § 651(1)(B)(2) (Supp. 2004) (Class B). Contrary to Caldwell's argument, the court did not err when it declined to instruct the jury that a threat associated with a robbery must have some real or perceived credibility or ability to be carried out, because that standard is not an element of section 651. *See State v. Mann*, 2005 ME 25, ¶ 10, 868 A.2d 183, 186.

The entry is:

Judgment affirmed.

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