

STATE OF MAINE

v.

GARDNER S. STOVER

Submitted on Briefs October 24, 2005
Decided December 2, 2005

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

MEMORANDUM OF DECISION

Gardner S. Stover appeals from a judgment of conviction for reckless conduct with a dangerous weapon (Class C), 17-A M.R.S.A. §§ 211(1), 1252(4) (1983), and driving to endanger (Class E), 29-A M.R.S.A. § 2413(1) (1996), entered in the Superior Court (Kennebec County, *Clifford, J.*) following a jury trial. Stover argues that the court committed reversible error in not allowing (1) him to question a State's witness about whether he had previously put up "wanted dead or alive" posters of other individuals, and (2) defense counsel to ask Stover whether there was anything about his defense of property testimony that he wanted to change. Contrary to Stover's first contention, the court did not commit an

unsustainable exercise of discretion in excluding the evidence of the witness's prior conduct because it was not relevant, *see State v. Shuman*, 622 A.2d 716, 718 (Me. 1993); M.R. Evid. 402, or in deciding that whatever relevance this evidence possessed was outweighed by its danger of confusing the jury, *see State v. Bouchard*, 2005 ME 106, ¶ 29, 881 A.2d 1130, 1138; M.R. Evid. 403. Contrary to Stover's second contention, the court did not commit obvious error when it decided that defense counsel's inquiry regarding Stover's defense of property testimony was improper. M.R. Evid. 611; Field & Murray, *Maine Evidence* § 611.1 at 300 (2000 ed. 1999).

The entry is:

Judgment affirmed.

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