

STATE OF MAINE

v.

RICHARD J. DANIELS

Submitted on Briefs July 18, 2006
Decided August 16, 2006

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

MEMORANDUM OF DECISION

Richard J. Daniels appeals from a judgment of conviction of aggravated trafficking in a scheduled drug (Class A), 17-A M.R.S. § 1105-A(1)(B)(2) (2005); criminal conspiracy (Class B), 17-A M.R.S. § 151(1)(B) (2005); and violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2005), entered in the Superior Court (Kennebec County, *Mills, J.*) following a jury trial. Contrary to Daniels's contentions, the magistrate acted within the bounds of discretion in finding probable cause to issue a search warrant for the package, *see State v. Wright*, 2006 ME 13, ¶ 8, 890 A.2d 703, 705 (articulating the test for probable cause and the standard of review); and the pre-trial motion court (*Atwood, J.*)

(1) did not err in denying a *Franks* hearing on the affidavit supporting that warrant, *see State v. Dickinson*, 2005 ME 100, ¶ 8, 881 A.2d 651, 655 (articulating the test for entitlement to a *Franks* hearing); and (2) did not err in concluding that, assuming Daniels had standing to challenge the search of the premises, his motion to suppress the results thereof lacked merit, *see State v. Dignoti*, 682 A.2d 666, 670-71 (Me. 1996) (holding that officers with a warrant properly designating the place to be searched may search anywhere within the designated place that the evidence sought might reasonably be found). The evidence was also legally sufficient to support the convictions. *See State v. Bouchard*, 2005 ME 106, ¶ 10, 881 A.2d 1130, 1134 (articulating the standard of review).

The entry is:

Judgment affirmed.

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