

STATE OF MAINE

v.

PABLO FIGUEROA

Submitted on Briefs September 14, 2006
Decided September 19, 2006

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

MEMORANDUM OF DECISION

Pablo Figueroa appeals from a judgment of conviction of two counts of aggravated trafficking in a scheduled drug (Class A), 17-A M.R.S. § 1105-A(1)(B)(1), (H) (2005); two counts of conspiracy to commit aggravated trafficking in a scheduled drug (Class B), 17-A M.R.S. §§ 151(1)(B), 1105-A(1)(B)(1), (H) (2005); attempted aggravated trafficking in a scheduled drug (Class B), 17-A M.R.S. §§ 152(1)(B), 1105-A(1)(B)(1), (H) (2005); and unlawful possession of a scheduled drug (Class C), 17-A M.R.S.A. § 1107(1), (2)(A) (Supp. 2002),¹ entered in the Superior Court (Washington County, *Hunter, J.*) following a

¹ Title 17-A M.R.S.A. § 1107(1), (2)(A) (Supp. 2002) was *repealed* by P.L. 2001, ch. 383, § 126 (effective Jan. 31, 2003) and *replaced* by 17-A M.R.S. § 1107-A(1)(B) (2005).

jury trial. Contrary to Figueroa's contention, the court did not clearly err when it found that the chain of custody of the heroin was sufficiently established to admit the heroin in evidence, *see State v. Poirier*, 1997 ME 86, ¶ 4, 694 A.2d 448, 449; M.R. Evid. 901(a), nor did it commit obvious error in failing to give a jury instruction on the chain of custody, *see State v. Kirk*, 2005 ME 60, ¶ 3, 873 A.2d 350, 351. Finally, the evidence is sufficient to support the convictions. *See State v. Erskine*, 2006 ME 5, ¶ 9, 889 A.2d 312, 315-16 (stating that when a defendant challenges the sufficiency of the evidence, the evidence is viewed in the light most favorable to the State).

The entry is:

Judgment affirmed.

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