

STATE OF MAINE

v.

STEPHEN M. TIBBETTS

Submitted on Briefs September 14, 2006  
Decided September 27, 2006

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

MEMORANDUM OF DECISION

Stephen M. Tibbetts appeals from an order entered in the Superior Court (Sagadahoc, *Mills, J.*) denying his motion to dismiss, in which he argued that, because his first trial ended in a mistrial, a retrial would subject him to double jeopardy. Contrary to Tibbetts's contentions, the court did not clearly err when it found that the prosecution did not engage in intentional misconduct that resulted in the mistrial. *See State v. Chapman*, 496 A.2d 297, 301 (Me. 1985). Consequently, retrial is not barred by double jeopardy. *See State v. Chase*, 2000 ME 114, ¶¶ 6-7, 754 A.2d 961, 964.

The entry is:

Judgment affirmed.

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