

STATE OF MAINE

v.

GEORGE PRESTON

Submitted on Briefs December 13, 2005
Decided January 9, 2006

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

MEMORANDUM OF DECISION

George Preston appeals from a judgment of conviction for marijuana cultivation (Class D), 17-A M.R.S.A. § 1117(1)(B)(3) (Supp. 2005), and unlawful furnishing of marijuana (Class D), 17-A M.R.S.A. § 1106(1-A)(D) (Supp. 2005), entered by the Superior Court (Washington County, *Jabar, J.*) after a jury trial. Preston asserts that the court erred in declining to allow him to present a motion in limine filed immediately prior to trial, and instead allowing him to raise his objections during trial. The court did not exceed the range of its discretion in controlling the order of evidence at trial by declining to delay the start of the trial

to consider the motion in limine. *See* M.R. Evid. 611. The State cross-appeals the dismissal of Count III (criminal forfeiture) of the indictment. The court could have properly concluded that the evidence in support of the State's forfeiture claim, 15 M.R.S.A. § 5821(6) (2003), was insufficient.

The entry is:

Judgment affirmed.

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