

STATE OF MAINE

v.

DANA R. STROUT

Submitted on Briefs May 17, 2007
Decided May 31, 2007

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

MEMORANDUM OF DECISION

Dana R. Strout appeals from a judgment of conviction of robbery (Class A), 17-A M.R.S. § 651(1)(E) (2006); criminal threatening with a dangerous weapon (Class C), 17-A M.R.S. §§ 209(1), 1252(4) (2006); and assault (Class D), 17-A M.R.S. § 207(1)(A) (2006), entered in the Superior Court (Hancock County, *Mead, J.*). Contrary to Strout's contention, the court did not abuse its discretion by admitting into evidence a shotgun found by a police officer in Strout's truck, because the weapon was authenticated as such and the gun's probative value outweighed any risk of unfair prejudice. *See State v. Forbes*, 445 A.2d 8, 10-12 (Me. 1982). Further, the court did not abuse its discretion in allowing the limited

demonstration of the stun gun because the probative value of the demonstration outweighed any risk of unfair prejudice. M.R. Evid. 403.

The entry is:

Judgment affirmed.

Attorneys for State:

Michael E. Povich, District Attorney
Carletta M. Bassano, Deputy Dist. Atty.
P.O. Box 722
Ellsworth, ME 04605

Attorney for defendant:

Marvin H. Glazier, Esq.
Vafiades Brountas & Kominsky, LLP
P.O. Box 919
Bangor, ME 04402-0919