

STATE OF MAINE

v.

DAVID R. LAKIN

Submitted On Briefs March 29, 2007
Decided May 3, 2007

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

MEMORANDUM OF DECISION

David R. Lakin was convicted in March of 2005 of murder, 17-A M.R.S. § 201(1)(A), (B) (2006), and kidnapping (Class A), 17-A M.R.S. § 301(1)(B)(1) (2006), following a jury trial. We affirmed his conviction on both counts following his initial appeal. *State v. Lakin*, 2006 ME 64, 899 A.2d 777. Lakin now appeals from the denial of his subsequent motion for a new trial entered in the Superior Court (Androscoggin County, *Delahanty, J.*). Contrary to Lakin's contention in this second appeal, the court did not clearly err in finding that Lakin failed to prove that the testimony of a material witness at his trial was perjured, and in finding that sufficient other evidence exists in the record, even without the

testimony of the material witness, to support Lakin's conviction. *See State v. Cookson*, 2003 ME 136, ¶¶ 28-29, 837 A.2d 101, 110. Accordingly, the court acted well within its discretion in denying the motion for a new trial. *See id.*

The entry is:

Judgment affirmed.

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