

STATE OF MAINE

v.

LARRY W. LEIGHTON

Submitted on Briefs October 2, 2008

Decided October 28, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Larry W. Leighton appeals from a judgment of conviction of two counts of aggravated assault (Class B), 17-A M.R.S. § 208(1)(B) (2007), and one count of aggravated criminal trespass (Class C), 17-A M.R.S. § 402-A(1)(A) (2007), entered after a jury trial in the Superior Court (Penobscot, *Cuddy, J.*). Contrary to Leighton's contention, the court neither erred nor abused its discretion in excluding evidence of a pill bottle that one of the victims allegedly possessed and attempted to pass on to another person shortly after the crime occurred. Any relevance the evidence may have had to the facts in issue was substantially outweighed by the danger of creating confusion, misleading the jury, or by considerations of undue delay and waste of time. *See* M.R. Evid. 401; M.R. Evid. 403; *State v. Collin*, 441 A.2d 693, 695-96 (Me. 1982). Furthermore, the evidence, viewed in the light most favorable to the State, is sufficient for a fact-finder to rationally find each element of the crimes charged beyond a reasonable doubt. *See State v. Crossman*, 2002 ME 28, ¶ 10, 790 A.2d 603, 606; *State v. Barnard*, 2001 ME 80, ¶ 11, 772 A.2d 852, 857.

The entry is:

Judgment affirmed.

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