

STATE OF MAINE

v.

RICHARD S. CHILDS

Submitted on Briefs May 27, 2010

Decided June 1, 2010

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

MEMORANDUM OF DECISION

Richard S. Childs appeals from a judgment of conviction for burglary (Class B), 17-A M.R.S. § 401(1)(B)(4) (2009); aggravated assault (Class B), 17-A M.R.S. § 208(1)(B) (2009); robbery (Class B), 17-A M.R.S. § 651(1)(A) (2009); and assault (Class D), 17-A M.R.S. § 207(1)(A) (2009), entered in the Superior Court (York County, *Brennan, J.*) following a jury trial.

Contrary to Childs's contention, the court did not commit obvious error in failing, *sua sponte*, to declare a mistrial for the admission of evidence of Childs's suspended license pursuant to M.R. Evid. 404(b). *See* M.R. Crim. P. 52(b); *State v. Lockhart*, 2003 ME 108, ¶ 35, 830 A.2d 433, 445. The status of Childs's license did not have any relation to Childs's propensity to commit the crimes with which he was charged, and the court's multiple instructions to the jury to disregard the evidence were sufficient to protect Childs from any improper jury taint. *Lockhart*, 2003 ME 108, ¶ 39, 830 A.2d at 446-47.

We also discern no obvious error in the court's admission of evidence regarding certain details of Childs's arrest, to which Childs objected only on hearsay grounds. *See* M.R. Crim. P. 52(b); *State v. Snow*, 2007 ME 26, ¶ 11, 916 A.2d 957, 961. Information about Childs's arrest was spontaneously offered by a witness, and its admission neither violated the court's prior order regarding

such evidence, nor was unfairly prejudicial, and did not compromise Childs's right to the presumption of innocence. *See* M.R. Evid. 403.

Finally, the court did not obviously err in admitting hearsay evidence to which Childs did not object and which did not prejudice Childs's alibi defense. *See* M.R. Crim. P. 52(b); *Snow*, 2007 ME 26, ¶ 11, 916 A.2d at 961.

The entry is:

Judgment affirmed.

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