

STATE OF MAINE

v.

RANDY McGOWAN

Argued September 8, 2000
Decided September 13, 2000

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

MEMORANDUM OF DECISION

Randy McGowan appeals from a judgment entered in the Superior Court (Washington County, *Atwood, J.*) following a jury verdict of guilty of murder, 17-A M.R.S.A. § 201(1)(A) (1983). Contrary to McGowan's contention, the trial court did not commit obvious error in its jury instructions, *see State v. Uffelman*, 626 A.2d 340, 342 (Me. 1993), nor did the trial court err or exceed the bounds of its discretion by excluding evidence that the victim had stated to a third party that he would kill McGowan, *see State v. Bennett*, 658 A.2d 1058 (Me. 1995), or that the victim's blood tested positive for reality distorting drugs, *see State v. MacDonald*, 1998 ME 212, ¶ 7, 718 A.2d 195, 198. The record contains evidence sufficient to support the conviction. *See State v. Michaud*, 1998 ME 251, ¶ 11, 724 A.2d 1222; *see also State v. Caulk*, 543 A.2d 1366, 1372-73 (Me. 1988).

The entry is:

Judgment affirmed.

Attorneys for State:

Andrew Ketterer, Attorney General
Donald W. Macomber, Asst. Attorney General (orally)
Fernand LaRochelle, Asst. Attorney General
6 State House Station
Augusta, ME 04333-0006

Attorneys for defendant:

William R. Savage, Esq., (orally)
P O Box 223
Portland, ME 04112

Robert M. Napolitano, Esq.
765 Congress Street
Portland, ME 04102