

STATE OF MAINE

v.

RICHARD MOLONEY

Submitted on Briefs September 26, 2002
Decided November 5, 2002

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

MEMORANDUM OF DECISION

1 Richard Moloney appeals from a judgment of conviction entered in the
2 Superior Court (Penobscot County, *Hjelm, J.*) following a jury's findings of guilty
3 of trafficking in prison contraband (Class C), 17-A M.R.S.A. § 757(1)(B) (1983 &
4 Supp. 2001) and false public report (Class D), 17-A M.R.S.A. § 509(1)(A) (1983).
5 Contrary to Moloney's contentions, there was no misconduct on the part of the
6 State in its opening statement, nor in its closing argument.

7 Moloney did not object to the court's instruction to the jury, which did not
8 include any reference to any justification or other affirmative defense. *See State v.*
9 *Small*, 2000 ME 182, ¶ 5, 763 A.2d 104, 105 (when defendant does not object to

10 the jury instructions at trial, we review instructions for obvious error). Moreover,
11 no such defense was generated by the evidence.

12 The entry is:

13 Judgments affirmed.

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