

STATE OF MAINE

v.

ROBERT McINTYRE

Submitted on Briefs May 30, 2002  
Decided June 20, 2002

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

MEMORANDUM OF DECISION

Robert McIntyre appeals from a judgment of conviction entered in the Superior Court (Kennebec County, *Warren, J.*) following a jury verdict that he was guilty of theft by unauthorized taking. 17-A M.R.S.A. § 353 (1983). Contrary to the contentions of McIntyre, the court did not err in its refusal to instruct the jury that the State had to prove that the theft occurred within the narrow time frame specified in the Demand for Notice of Alibi served on McIntyre pursuant to M.R. Crim. P. 16A(b)(3), because McIntyre showed no prejudice resulting from the State's presentation of evidence that the crime occurred outside that time frame; *State v. Pinkham*, 384 A.2d 444, 446 (Me. 1978); the court's *in limine* ruling allowing the State to introduce evidence of one of McIntyre's prior criminal convictions pursuant to M.R. Evid. 609 was within the court's discretion; *State v. Calor*, 585 A.2d 1385, 1387 (Me. 1991); *see also State v. Warren*, 661 A.2d 1108, 1111 (Me. 1995); the evidence was sufficient to support the jury's verdict; *State v.*

*Barry*, 495 A.2d 825, 826 (Me. 1985); and, the verdicts were not inconsistent; *State v. Maizeroi*, 2000 ME 187, ¶¶ 20-21, 760 A.2d 638, 644-45.

The entry is:

Judgment affirmed.

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