

I. Statement of the Issues

A. Whether Mr. Thompson's conviction for distributing cocaine was based on insufficient evidence, violating his right to due process as protected by the Fourteenth Amendment to the United States Constitution and Article 12 of the Declaration of Rights?

B. Whether the admission of Ms. Quigley's photograph, the prejudicial nature of which far outweighed its probative value, was error and created a substantial risk of a miscarriage of justice?

C. Whether the trial court's use of the mailbox example in response to the jury's question about reasonable inferences lessened the Commonwealth's burden of proof, depriving Mr. Thompson of his right to a fair trial as protected by the Fifth and Fourteenth Amendments to the United States Constitution and Article 12 of the Declaration of Rights?

II. Statement of the case

On April 3, 2009 Mr. Thompson was arraigned on indictments charging him with distributing cocaine as a subsequent offense, in violation of General Laws Chapter 94C § 32A (d) and doing so within a school