

STATE OF MAINE

v.

CHRISTINE BORNALES

Argued May 9, 2012

Decided June 5, 2012

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

MEMORANDUM OF DECISION

Christine Bornales appeals from the District Court's (Lewiston, *Goranites, J.*) judgment of conviction for assault (Class D) pursuant to 17-A M.R.S. § 207(1)(A) (2011). Contrary to Bornales's contention, the court did not err when it determined she was not entitled to an attorney based on the State's assertion that it was not seeking jail time in the event of conviction. M.R. Crim. P. 44(a); *see also State v. Winslow*, 2007 ME 124, ¶ 28, 930 A.2d 1080 ("The courts are assisted in making this determination of the prospects of incarceration by the State's assessment as to whether it will be recommending a sentence of imprisonment in the event of conviction."). Bornales also argues that the court abused its discretion by failing to consider whether to appoint counsel for her, regardless of her risk of jail, pursuant to 15 M.R.S. § 810 (2011). We similarly reject this argument. *See Pettinelli v. Yost*, 2007 ME 121, ¶ 11, 930 A.2d 1074 (discussing the abuse of discretion standard).

The entry is:

Judgment affirmed.

On the briefs:

Jeffrey S. Dolley, Esq., Dolley Law Firm, LLC, Lewiston, for appellant
Christine Bornales

Norman R. Croteau, District Attorney, and Patricia Reynolds Regan, Asst.
Dist. Atty., Office of the District Attorney, Lewiston, for appellee State of
Maine

At oral argument:

Jeffrey S. Dolley, Esq., for appellant Christine Bornales

Patricia Reynolds Regan, Asst. Dist. Atty., for appellee State of Maine