

STATE OF MAINE

v.

NATHAN P. BAILEY

Submitted on Briefs February 26, 2013  
Decided March 7, 2013

Panel: ALEXANDER, LEVY, SILVER, MEAD, and JABAR, JJ.

MEMORANDUM OF DECISION

Nathan P. Bailey appeals from a judgment of conviction for one count of theft by deception (Class C), 17-A M.R.S. § 354(1)(A), (B)(4) (2012), following his entry of a conditional guilty plea. Bailey contests the trial court's (*Broderick, J.*) denial of his motion to dismiss, pursuant to M.R. Crim. P. 12(b)(2), on the ground that the indictment failed to charge the offense of theft by deception.

Contrary to Bailey's contention, the indictment adequately charged the crime of theft by deception, which encompasses theft from a state or federal governmental entity pursuant to 17-A M.R.S. §§ 352(4), 354(1)(A), (B)(4) (2012). See *State v. Skarbinski*, 2011 ME 65, ¶¶ 1, 6, 21 A.3d 86 (per curiam); *State v. Nastvogel*, 2002 ME 97, ¶ 6, 798 A.2d 1114; *State v. Storer*, 583 A.2d 1016, 1020-21 (Me. 1990).

The entry is:

Judgment affirmed.

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**On the briefs:**

Angus Ferguson, Esq., Portland, for appellant Nathan Bailey

William J. Schneider, Attorney General, and Darcy A. Mitchell, Asst. Atty. Gen., Augusta, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2012-1763  
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