

STATE OF MAINE

v.

CLINTON DRAKE

Submitted on Briefs June 26, 2013
Decided July 9, 2013

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

MEMORANDUM OF DECISION

Clinton Drake appeals from a judgment of conviction entered by the trial court (*Cole, J.*) after a jury trial finding him guilty of operating after habitual offender revocation (Class C), 29-A M.R.S. § 2557-A(2)(C) (2012). Contrary to Drake's contentions, the State did not commit a discovery violation and therefore the court did not abuse its discretion in declining to grant Drake a new trial. *See* M.R. Crim. P. 16(a)(1)(A) ("The attorney for the state shall furnish to the defendant within a reasonable time . . . [a] statement describing any testimony or other evidence *intended to be used against the defendant . . .*" (emphasis added)); *see also State v. Griffin*, 642 A.2d 1332, 1334 (Me. 1994). Furthermore, the court did not err in determining that Drake was competent to stand trial, *see State v. Comer*, 584 A.2d 638, 642 (Me. 1990) (noting the clear error standard of review for "factual determination[s] of competence"), and it did not abuse its discretion in declining to inquire into his competence, *see State v. Hewett*, 538 A.2d 268, 269 (Me. 1988).

The entry is:

Judgment affirmed.

On the briefs:

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Portland, for appellant Clinton Drake

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Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2012-402
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