

STATE OF MAINE

v.

AMBER M. YURCHICK

Submitted on Briefs September 23, 2014
Decided October 7, 2014

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

MEMORANDUM OF DECISION

Amber M. Yurchick appeals from a judgment of conviction for aggravated assault (Class B), 17-A M.R.S. § 208(1)(B), (2) (2013), and assault with two or more prior convictions (Class C),¹ 17-A M.R.S. §§ 207(1)(A), 1252(4-A) (2013) entered in the trial court (*A. Murray, J.*) after a jury trial. Contrary to Yurchick's contentions, she was not subjected to double jeopardy by her conviction of two alternative charges stemming from the same incident, *see State v. Thornton*, 540 A.2d 773, 776 (Me. 1988); *State v. Bunker*, 436 A.2d 413, 415 (Me. 1981), or by undergoing a probation revocation hearing based on the same incident that led

¹ As to Count II, the assault, the docket record, and the judgment itself state that Yurchick was convicted of a Class D assault rather than a Class C assault with two or more prior convictions. The indictment charged Yurchick with the Class C assault, Yurchick stipulated to the two prior convictions, and she does not dispute that she was tried for and convicted of the Class C count. That the court treated the assault as a Class C charge is also reflected in the sentence for that count—five years in prison. *See* 17-A M.R.S. § 1252(2)(C)-(D) (2013) (authorizing a maximum sentence of 364 days for a Class D crime, and up to five years for a Class C crime). Thus, the Class D notations in the docket record and on the judgment are scrivener's errors. We therefore amend the judgment to reflect that Count II, Yurchick's assault conviction, is for assault with two or more prior convictions (Class C), 17-A M.R.S. §§ 207(1)(A), 1252(4-A) (2013). *See State v. Robbins*, 2010 ME 62, ¶ 4 n.1, 999 A.2d 936.

to the current charges, *see State v. Reed*, 686 A.2d 1067, 1068-69 (Me. 1996). *See* U.S. Const. amend. V; Me. Const. art. I, § 8.

The entry is:

Judgment amended to reflect that Yurchick's conviction on Count II is for assault with two or more prior convictions (Class C), 17-A M.R.S. §§ 207(1)(A), 1252(4-A) (2013), and affirmed as amended.

On the briefs:

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Carletta M. Bassano, District Attorney, and Mary N. Kellett, Asst. Dist. Atty., Prosecutorial District No. VII, Ellsworth, for appellee State of Maine