

STATE OF MAINE

v.

JUSTIN HURLBURT

Submitted on Briefs April 29, 2014

Decided May 8, 2014

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

MEMORANDUM OF DECISION

Justin Hurlburt appeals from the judgment of the trial court (*O'Mara, J.*) entered on a verdict finding him guilty of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2013). Contrary to Hurlburt's contention, the jury demand requirement of M.R. Crim. P. 22(a) does not violate Me. Const. art., § 6. *See State v. Lenfestey* 557 A.2d 1327, 1328 (Me. 1989) (holding that a provision requiring criminal defendants to demand a jury trial within twenty-one days or waive that right is constitutional). Similarly, Hurlburt waived his right to a jury trial by not demanding the same within twenty-one days. *See id.* (holding that the defendant's failure to file a jury demand form was a deliberate waiver of her right to a trial by jury). Finally, the existence of different procedures for accessing a jury trial in different geographic areas of the State does not violate the Equal Protection Clause. *See State v. Poole*, 2012 ME 92, ¶ 12, 46 A.3d 1129 (holding that the existence of three different sets of procedural rules for accessing a jury trial—U.C.D. Cumberland County, U.C.D. Bangor, and the Maine Rules of Criminal Procedure—does not result in a violation of the Equal Protection Clause).

The entry is:

Judgment affirmed.

On the briefs:

Richard L. Rhoda, Esq., Houlton, for appellant Justin Hurlburt

Todd R. Collins, District Attorney, and Kurt A. Kafferlin, Asst. Dist. Atty.,
8th Prosecutorial District, Houlton, for appellee State of Maine