

STATE OF MAINE

v.

CHARLES M. BOWLEY

Argued October 24, 2018  
Decided November 1, 2018

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

MEMORANDUM OF DECISION

Charles M. Bowley appeals from a judgment of conviction of disorderly conduct, 17-A M.R.S. § 501-A(1)(A)(1) (2017), entered by the trial court (Somerset County, *Mullen, J.*), following a jury verdict of guilty. Contrary to Bowley's contention, there was no violation of his Sixth Amendment right to self-representation when standby counsel participated at his trial outside the presence of the jury. *See McKaskle v. Wiggins*, 465 U.S. 168, 178 (1984); *State v. Hofland*, 2012 ME 129, ¶ 15, 58 A.3d 1023. Bowley maintained actual control over the case he chose to present to the jury by giving opening statements and closing arguments, presenting evidence, conducting cross-examination of witnesses, making objections, and participating without assistance from counsel in numerous bench conferences. Any "[p]articipation by counsel to steer [Bowley] through the basic procedures of trial [was] permissible even in the unlikely event that it somewhat undermine[d his] appearance of control over his own defense." *McKaskle*, 465 U.S. at 184. Because Bowley consistently advanced his own defense throughout trial, standby counsel's limited participation did not infringe on Bowley's rights.

The entry is:

Judgment affirmed.

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Rory A. McNamara, Esq. (orally), Drake Law, LLC, Berwick, for appellant  
Charles M. Bowley

Maeghan Maloney, District Attorney, and Francis J. Griffin, Jr., First Asst. Dist.  
Atty. (orally), Prosecutorial District IV, Skowhegan, for appellee State of Maine

Somerset County Unified Criminal Docket docket number CR-2017-752  
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