

STATE OF MAINE

v.

JEFFREY M. RIVARD

Submitted on Briefs December 21, 2021
Decided December 28, 2021

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Jeffrey M. Rivard appeals from an order of the District Court (Biddeford, *Sutton, J.*) denying his “motion to vacate conviction” and also denying his request for additional records about a separate matter.¹ Contrary to Rivard’s contentions, the trial court did not err in denying his motion to vacate because the motion was not timely brought as a direct appeal or as a petition for post-conviction review.² *See State v. Ngo*, 2007 ME 2, ¶¶ 4-6, 912 A.2d 1224; *State v. Liberty*, 2004 ME 88, ¶¶ 6-8, 853 A.2d 760. Furthermore, the trial court did not err in denying Rivard’s request for additional records because Rivard has already been provided with all existing records about the separate matter.

¹ The trial court’s judgment also ordered that any further correspondence from Rivard about the separate matter would not be docketed or presented to a judge and would instead be returned to Rivard. Rivard has waived any challenge to this aspect of the order, however, because he has not challenged it in his brief. *See Thurston v. Galvin*, 2014 ME 76, ¶ 5 n.1, 94 A.3d 16.

² We note also that Rivard has previously attempted, unsuccessfully, to challenge this proceeding through the post-conviction review process and that Rivard’s brief is almost identical to the memorandum in support of his request for a certificate of probable cause to appeal that he filed in that case.

Finally, to the extent that Rivard contends that the trial court erred by not acting on his request to redact the docket record for that separate matter, we conclude that the trial court did not err because no statute requires such redaction.

The entry is:

Judgment affirmed.

Jeffrey Rivard, appellant pro se

Kathryn Loftus Slattery, District Attorney, and Tanya Pierson, Asst. Dist. Atty.,
Prosecutorial District #1, Alfred, for appellee State of Maine

Biddeford District Court docket numbers JV-2000-445 and -501
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