

STATE OF MAINE

v.

TIMOTHY L. HUTCHINSON

Submitted on Briefs March 8, 2023
Decided April 6, 2023

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

MEMORANDUM OF DECISION

Timothy L. Hutchinson appeals directly from a judgment of conviction entered by the trial court (Somerset County, *Mullen, C.J.*) imposing a probation condition requiring him to refrain from possessing or using alcohol as part of his sentence for convictions of violating a condition of release, (Class C), 15 M.R.S. § 1092(1)(B) (2022), and violating a protective order (Class D), 19-A M.R.S. § 4011(1) (2022).¹ The Sentence Review Panel denied his petition for sentence review, and on direct appeal, we will not consider challenges to the court's findings or discretionary determinations in applying 17-A M.R.S. § 1807 (2022). *See State v. Davenport*, 2016 ME 69, ¶¶ 8-9, 138 A.3d 1205; 15 M.R.S. § 2152 (2022). Because Hutchinson's appeal challenges judicial factfinding and discretionary determinations and does not identify an illegality that is apparent on the face of the record, we dismiss the appeal. *See Davenport*, 2016 ME 69, ¶¶ 8-9, 138 A.3d 1205.

¹ This statute was repealed and replaced, effective January 1, 2023. *See* P.L. 2021, ch. 647, §§ A-2, A-3 (codified at 19-A M.R.S. § 4113 (2023)). We cite the statute that was in effect at the time of the offense.

The entry is:

Appeal dismissed.

Rory A. McNamara, Esq., Drake Law LLC, York, for appellant Timothy L. Hutchinson

Maeghan Maloney, District Attorney, and Christopher Coleman, Asst. Dist. Atty., Prosecutorial District IV, Skowhegan, for appellee State of Maine

Somerset County Unified Criminal Docket docket numbers CR-2021-1191 and CR-2022-134
FOR CLERK REFERENCE ONLY