

STATE OF MAINE

v.

CARL BRIGGS

Submitted on Briefs July 9, 2003
Decided July 14, 2003

Panel: SAUFLEY, C.J., and RUDMAN, DANA, ALEXANDER, CALKINS, and
LEVY, JJ.

MEMORANDUM OF DECISION

Carl Briggs appeals from the sentence of the District Court (Bangor, *Gunther, J.*) upon his conviction for one count of criminal OUI (Class D) in violation of 29-A M.R.S.A. § 2411(1) (1996).¹ Contrary to Briggs's first contention, his sentence of less than one year is not properly before us for review, 15 M.R.S.A. §§ 2151, 2152 (2003); *see State v. York*, 2001 ME 30, ¶ 25, 766 A.2d 570, 576-77; *State v. Collins*, 681 A.2d 1168, 1169 (Me. 1996). Therefore, had he

¹ The court sentenced Briggs to 364 days in jail, with all but 120 days suspended, one year's probation, a \$400 fine, and a ninety-day license suspension.

not challenged the constitutionality of his sentence, we would have dismissed his appeal.

Because Briggs's sentence is not "greatly disproportionate to the offense" and does not offend "prevailing notions of decency," it does not violate article 1, section 9 of the Maine Constitution. *See State v. Worthley*, 2003 ME 14, ¶ 6, 815 A.2d 375, 376-77.

The entry is:

Judgment affirmed.

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