

STATE OF MAINE

v.

DANA MORRIS

Submitted on Briefs April 9, 2003
Decided April 18, 2003

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

MEMORANDUM OF DECISION

Dana Morris appeals from the judgment of the Superior Court (Penobscot County, *Mills, C.J.*) convicting him of negotiating worthless instruments in an aggregate amount in excess of \$2000 (Class C), 17-A M.R.S.A. § 708(1)(3-A) (Supp. 2002). Morris challenges the court's refusal to allow him to withdraw his plea to the charge, which request was made after the court stated that it would not stay execution of the sentence it had indicated it would be imposing.

The trial court's ruling on a motion to withdraw a plea is reviewed for abuse of discretion. *State v. Lambert*, 2001 ME 113, ¶ 5, 775 A.2d 1140, 1142. In reviewing a motion to withdraw a plea, the trial court must consider four factors:

(1) the length of the time between entering the plea and seeking to withdraw it; (2) the potential prejudice to the State; (3) the defendant's assertions of innocence; and (4) any deficiency in the Rule 11 proceeding. *Id.* Because Morris does not identify, and the record would not support, any suggestion of innocence or any deficiency in the Rule 11 proceeding, the trial court did not abuse its discretion in denying the motion to withdraw the plea.

The entry is:

Judgment affirmed.

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