

ALICE POOR

v.

FRANKLIN A. HIGGINS

Submitted on Briefs September 9, 2004

Decided September 13, 2004

Panel: SAUFLEY, CLIFFORD, DANA, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Franklin A. Higgins appeals a judgment entered in the Superior Court (Penobscot County, *Mead, J.*) in this wrongful death action awarding damages to Alice Poor, the mother of Katherine Poor and the personal representative of her estate. Contrary to Higgins's contentions, the Superior Court did not exceed the bounds of its discretion in (1) exercising jurisdiction in this case; (2) denying Higgins's untimely jury trial request; (3) refusing to allow Higgins to collaterally attack his conviction for the murder of Katherine Poor; (4) denying Higgins's request for court-appointed counsel; or (5) awarding damages to Alice Poor. Higgins's challenge to the constitutionality of the Wrongful Death Claims Act, 18-A M.R.S.A. § 2-804 (1998 & Supp. 2003), is without merit. With regard to

Higgins's other issues, our review of the record does not reveal any denial of due process to Higgins or lack of impartiality of the presiding justice.

The entry is:

Judgment affirmed.

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