

STATE OF MAINE

v.

TIMOTHY BERRY

Submitted on Briefs December 12, 2003  
Decided January 8, 2004

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

MEMORANDUM OF DECISION

Timothy Berry appeals from a judgment of conviction entered in the Superior Court (York County, *Humphrey, J.*) for criminal mischief (Class D), 17-A M.R.S.A. § 806(1)(A), (2) (1983 & Supp. 2003). Contrary to Berry's contentions, the court's jury instruction regarding reasonable doubt did not contain a "structural" error, *see Sullivan v. Louisiana*, 508 U.S. 275, 281-82 (1993), and the jury instructions, considered as a whole, did not create the potential for juror misunderstanding, *see State v. Saucier*, 2001 ME 107, ¶ 23, 776 A.2d 621, 627-28 (quoting *State v. Cote*, 462 A.2d 487, 490 (Me. 1983)).

The entry is:

Judgment affirmed.

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