

STATE OF MAINE

v.

STEVEN R. LEMIEUX

Submitted on Briefs December 8, 2004
Decided January 5, 2005

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

MEMORANDUM OF DECISION

Steven R. Lemieux appeals from a judgment entered in the Superior Court (Somerset County, *Jabar, J.*) after a jury-waived trial, in which he was found guilty of a Class D assault pursuant to 17-A M.R.S.A. § 207(1)(A) (Supp. 2004). Contrary to Lemieux's contention, the court did not err in allowing him to proceed without counsel,¹ *see State v. LaBare*, 637 A.2d 854, 856 (Me. 1994), nor when it declined to vacate its own judgment in the absence of a motion pursuant to M.R. Crim. P. 33, *see State v. Gaudette*, 431 A.2d 31, 33 (Me. 1981).

¹ Lemieux had sufficient assets to retain counsel, had retained and fired two attorneys, and told the judge that he did not want to be represented at the bench trial.

The entry is:

Judgment affirmed.

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