

STATE OF MAINE

v.

OLIVER OPPEY

Submitted on Briefs January 10, 2005
Decided January 18, 2005

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

MEMORANDUM OF DECISION

Oliver Oppey appeals from a judgment of conviction of assault (Class D), 17-A M.R.S.A. § 207(1)(A) (Supp. 2004), entered after a jury-waived trial in District Court (Portland, *Eggert, J.*). Oppey contends that: (1) he did not validly waive his right to trial by jury; (2) the trial court erred when it did not order the State to produce certain witness statements in advance of trial; and (3) the trial court acted outside the bounds of its discretion when it refused Oppey's request for a continuance on the day of trial.

The record supports the trial court's conclusion that Oppey validly waived his right to trial by jury. *See State v. Gordon*, 2001 ME 34, ¶¶ 7-8, 766 A.2d 75, 77. The trial court did not exceed the bounds of its discretion in deciding not to compel production of the witness's statements, *see State v. Cook*, 581 A.2d 415, 416-17 (Me. 1990), and not to grant a continuance on the date of trial, *see State v. Curtis*, 295 A.2d 252, 254 (Me. 1972).

The entry is:

Judgment affirmed.

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