

STATE OF MAINE

v.

EUGENE YOUNG

Submitted on Briefs April 20, 2005
Decided May 20, 2005

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

MEMORANDUM OF DECISION

Eugene Young appeals from a judgment of conviction entered in the Superior Court (Penobscot County, *Mead, J.*) after a jury found him guilty of two counts of burglary—one count pursuant to 17-A M.R.S.A. § 401(1), (2)(B)(3) (1983 & Supp. 2002) (Class B),¹ the other pursuant to 17-A M.R.S.A. § 401(1), (2)(C) (1983) (Class C); one count of theft by unauthorized use of property

¹ Title 17-A M.R.S.A. § 401(1) has since been repealed and replaced by P.L. 2001, ch. 383, § 53 (effective Jan. 31, 2003) (codified at 17-A M.R.S.A. § 401(1) (Supp. 2004)). Title 17-A M.R.S.A. § 401(2) has since been repealed by P.L. 2001, ch. 383, § 54 (effective Jan. 31, 2003).

pursuant to 17-A M.R.S.A. § 360(1)(A) (1983) (Class D);² and one count of operating a motor vehicle after revocation pursuant to 29-A M.R.S.A. § 2557(1), (2)(B) (Supp. 2003) (Class C).³ Contrary to Young's contentions, the court acted within the bounds of its discretion in (1) admitting an otherwise inadmissible statement to remedy the State's discovery violation, but denying his additional request to continue the trial for twenty-four hours; and (2) denying his motion for a new trial. *See* M.R. Crim. P. 16(a)(1)(C); *State v. Sargent*, 656 A.2d 1196, 1199 (Me. 1995) (noting that a court's remedy for a discovery violation is a matter of discretion and will be set aside only if the defendant can demonstrate prejudice that rises to the level of depriving him of a fair trial).

The entry is:

Judgment affirmed.

² Title 17-A M.R.S.A. § 360(1)(A) has since been amended by P.L. 2003, ch. 510, § C-4 (effective Jan. 11, 2004) (codified at 17-A M.R.S.A. § 360(1)(A) (Supp. 2004)).

³ Title 29-A M.R.S.A. § 2557(1) has since been amended by P.L. 2003, ch. 452, § Q-90 (effective July 1, 2004) (codified at 29-A M.R.S.A. § 2557(1) (Supp. 2004)). Title 29-A M.R.S.A. § 2557(2) has since been amended by P.L. 2003, ch. 673, § TT-7 (effective July 30, 2004) (codified at 29-A M.R.S.A. § 2557(2) (Supp. 2004)).

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