

STATE OF MAINE

v.

MATTHEW MILLER

Submitted on Briefs September 14, 2006
Decided September 27, 2006

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

MEMORANDUM OF DECISION

Matthew Miller appeals from a judgment of conviction of driving to endanger (Class E), 29-A M.R.S. § 2413(1) (2005), entered after a bench trial in the District Court (Houlton, *O'Mara, J.*). Contrary to Miller's contention, the evidence, when viewed in a light most favorable to the State, was sufficient for a rational fact-finder to find each element of the offense beyond a reasonable doubt. *See State v. Tempesta*, 617 A.2d 566, 567 (Me. 1992).

Miller also challenges the District Court's denial of his motion for a new trial on the basis that he did not knowingly, intelligently, and voluntarily waive the

right to a jury trial. Miller's argument is fully foreclosed by *State v. Gordon*, 2001 ME 34, 766 A.2d 75. Miller was represented by retained counsel during all proceedings and did not request a jury trial within twenty-one days of arraignment. M.R. Crim. P. 22(a); *see generally* M.R. Crim. P. 10. Thus, Miller waived his right to a trial by jury and has no viable argument remaining on direct appeal.

The entry is:

Judgment affirmed.

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