

STATE OF MAINE

v.

JOY M. METCALF

Submitted on Briefs September 27, 2007
Decided December 4, 2007

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

MEMORANDUM OF DECISION

Joy Metcalf appeals from judgments of conviction of evasion of income tax (Class C), 36 M.R.S.A. § 184-A (Supp. 2002),¹ evasion of income tax (Class D), 36 M.R.S.A. § 184-A (Supp. 2002),² and making and subscribing a false statement in an income tax return (Class D), 36 M.R.S.A. § 5333 (1990),³ entered after a jury

¹ Title 36 M.R.S.A. § 184-A has since been amended. P.L. 2003, ch. 452, § 2 (effective July 1, 2004) (codified at 36 M.R.S. § 184-A (2006)).

² Title 36 M.R.S.A. § 184-A has since been amended. P.L. 2003, ch. 452, § 2 (effective July 1, 2004) (codified at 36 M.R.S. § 184-A (2006)).

³ Title 36 M.R.S.A. § 5333 (1990) has since been amended. P.L. 2003, ch. 452, § 18 (effective July 1, 2004) (codified at 36 M.R.S. § 5333 (2006)).

trial in the Superior Court (Waldo County, *Marden J.*). Contrary to Metcalf's contentions, by her conduct, Metcalf waived her right to be represented by counsel by the time of her trial, because: (1) she was demonstrably aware of her right to have counsel; (2) she was aware of the steps necessary to seek court appointed counsel; (3) she failed to file the necessary forms requesting appointed counsel despite having been informed by the court on numerous occasions to do so; (4) she evidenced an understanding of the difficulties she would face without counsel; and (5) she failed to retain counsel after multiple delays, *see State v. Morrison*, 1998 ME 220, ¶¶ 2, 4, 723 A.2d 869, 869-70; *see also State v. Watson*, 2006 ME 80, ¶¶ 27-28, 900 A.2d 702, 712. Moreover, the court did not err in excluding the character evidence Metcalf sought to admit because she made no offer of proof concerning that evidence at trial, *see State v. Snow*, 2007 ME 26, ¶ 5, 916 A.2d 957, 959-60; as a whole, the court's jury instructions accurately reflected the law, *see State v. Bouchard*, 2005 ME 106, ¶ 28, 881 A.2d 1130, 1138, and required no additional information, *see State v. Smith*, 618 A.2d 208, 210 (Me. 1992); and the Internal Revenue Service's records, Metcalf's W-4 forms, and MBNA's records were properly admitted at trial, *see M.R. Evid.* 803(6), (8).

The entry is:

Judgment affirmed.

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