

STATE OF MAINE

v.

RANDALL HERR

Submitted on Briefs April 30, 2008
Decided May 8, 2008

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

MEMORANDUM OF DECISION

Randall Herr appeals from a judgment entered in the Superior Court (Cumberland County, *Delahanty, J.*) denying his motion for a new trial. Contrary to Herr's contention, the trial court did not abuse its discretion in denying, without holding a hearing, his motion for a new trial based on newly discovered evidence where Herr failed to provide any description of the evidence or support for his claim in his motion. *See State v. Reilly*, 628 A.2d 129, 130 (Me. 1993) (stating that the decision to hold a hearing is within the discretion of the trial court); *State v. Cookson*, 2003 ME 136, ¶¶ 28-29, 837 A.2d 101, 110 (stating that a motion for a new trial on the ground of newly discovered evidence is disfavored and describing what a petitioner must establish to warrant granting the motion).

The entry is:

Judgment affirmed.

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