

STATE OF MAINE

v.

GARTH B. SUHR

Submitted on Briefs August 11, 2009

Decided August 25, 2009

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

MEMORANDUM OF DECISION

Garth B. Suhr appeals from the judgment of the District Court (Bangor, *R. Murray, J.*) convicting him, after a nonjury trial, of theft (Class E), 17-A M.R.S. § 353(1)(A) (2008). Suhr asserts that the conviction should be vacated because there was insufficient evidence to support the court's finding of guilty and that he was not given legal counsel. Because no transcript has been provided, we must infer that the evidence presented at trial supports the court's finding of guilt. *State v. Nugent*, 2002 ME 111, ¶ 2, 801 A.2d 1001, 1002. Furthermore, there is nothing in the record indicating that Suhr, who was a student at a private college, would have qualified for court-appointed counsel, and, in any event, there is no right to appointed counsel for a Class E theft charge in which the State was not seeking a jail sentence. M.R. Crim. P. 44(a)(1).

The entry is:

Judgment affirmed.

Garth B. Suhr, pro se:

Garth Suhr
11 Baker Heights
Springfield, Vermont 05196

Attorneys for the State of Maine:

R. Christopher Almy, District Attorney
Susan J. Pope, Asst. Dist. Atty.
Prosecutorial District V
97 Hammond Street
Bangor, Maine 04401