

STATE OF MAINE

v.

NICHOLAS P. CURRO III

Submitted on Briefs February 26, 2009
Decided March 3, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Nicholas P. Curro III appeals from his conviction for driving to endanger (Class E), 29-A M.R.S. § 2413(1) (2008), entered in the Superior Court (York County, *Fritzsche, J.*) following a jury-waived trial. Contrary to Curro's contention, there was sufficient evidence for the judge to find, pursuant to 17-A M.R.S. § 35(4)(A), (C) (2008), that Curro's conduct constituted a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation, and therefore there was sufficient evidence of criminal negligence. *See State v. Schmidt*, 2008 ME 151, ¶ 19, 957 A.2d 80, 86 (stating standard of review when defendant challenges sufficiency of the evidence); *State v. Gorman*, 648 A.2d 967, 968 (Me. 1994) (holding that, pursuant to 17-A M.R.S.A. § 35(4) (1983) (amended without substantive change by P.L. 2007, ch. 173, § 8), criminal negligence requires gross deviation from standard of conduct of reasonable and prudent person).

The entry is:

Judgment affirmed.

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