

STATE OF MAINE

v.

WILLIE L. MOORE

Submitted on Briefs January 22, 2009
Decided March 10, 2009

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

MEMORANDUM OF DECISION

Willie L. Moore appeals from an order entered in the District Court (Biddeford, *Cantara, J.*) denying his motion to withdraw his guilty plea on one count of operating while disqualified in violation of 49 C.F.R. § 391.15(a) (2008) (Class E), which was adopted by the Bureau of State Police pursuant to 29-A M.R.S. § 555(2) (2008). *See* 9 C.M.R. 16 222 004-2 § 4 (2008); *see also* 29-A M.R.S. § 558(1-B)(A) (2008). We affirm the trial court's denial of Moore's motion because the issues were raised for the first time on appeal. *Foster v. Oral Surgery Assocs., P.A.*, 2008 ME 21, ¶ 22, 940 A.2d 1102, 1107. Moreover, although M.R. Crim. P. 32(d) requires that a motion to withdraw a guilty plea made after sentencing be dismissed without reaching the merits, *State v. Pfiel*, 1998 ME 245, ¶ 5, 720 A.2d 573, 576, the lower court held a hearing on Moore's Rule 32(d) motion, of which Moore did not provide a transcript. Without a record of the trial court's proceeding, we must assume that sufficient evidence existed in the record to support the court's findings. *See State v. Dickinson*, 662 A.2d 202, 204 (Me. 1995); *see also Lamb v. Euclid Ambler Assocs.*, 563 A.2d 365, 367 (Me. 1989); *Manzo v. Reynolds*, 477 A.2d 732, 734 (Me. 1984); *Howell v. Howell*, 418 A.2d 181, 183 (Me. 1980).

The entry is:

Judgment affirmed.

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