

STATE OF MAINE

v.

KEVIN J. SECOTTE

Submitted on Briefs January 28, 2010

Decided February 16, 2010

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

MEMORANDUM OF DECISION

Kevin J. Secotte appeals from a judgment entered in the Superior Court (Knox County, *Hjelm, J.*) after a jury trial, finding him guilty of operating after habitual offender revocation (Class D), 29-A M.R.S. § 2557-A(2)(A) (2009). Contrary to Secotte's contentions, the court did not abuse its discretion in denying his motion for a continuance submitted on the eve of trial, *see State v. Dunbar*, 2008 ME 182, ¶¶ 5, 8, 960 A.2d 1173, 1176, 1177; *State v. Briggs*, 520 A.2d 706, 707 & n.1 (Me. 1987) (noting that denying a motion for a continuance that could be properly granted is not necessarily an abuse of discretion), and did not violate his right to the assistance of counsel. *See State v. Brown*, 2000 ME 25, ¶¶ 17-19, 757 A.2d 768, 772-73; *State v. Curtis*, 295 A.2d 252, 254 (Me. 1972).

The entry is:

Judgment affirmed.

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