

STATE OF MAINE

v.

ZACHARY PEAVEY

Submitted on Briefs July 7, 2010

Decided July 13, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Zachary Peavey appeals from a judgment of the Superior Court (Sagadahoc County, *Horton, J.*) affirming an order of the District Court, sitting as the Juvenile Court, (West Bath, *Field, J.*) denying Peavey's motion to dismiss charges of burglary (Class B), 17-A M.R.S. § 401(1)(B)(4) (2009), and assault (Class D), 17-A M.R.S. § 207(1)(A) (2009). Contrary to Peavey's contentions, by the unambiguous terms of Peavey's agreement with the State, he was required to refrain from criminal conduct during the period that his case was continued by the court. *See State v. Russo*, 2008 ME 31, ¶ 14, 942 A.2d 694, 698; *State v. Newbert*, 2007 ME 110, ¶ 19, 928 A.2d 769, 775. Because Peavey breached the plea agreement when he engaged in criminal conduct before his next scheduled court appearance, the court did not err in denying his motion to dismiss.

The entry is:

Judgment affirmed.

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Sagadahoc County Superior Court docket number AP-09-2
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