

STATE OF MAINE

v.

PETER A. EWING

Submitted on Briefs September 21, 2022
Decided September 29, 2022

Panel: MEAD, JABAR, HORTON, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Peter A. Ewing appeals from a judgment of conviction of criminal speeding (Class E), 29-A M.R.S. § 2074(3) (2022), and violation of condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2022), entered by the trial court (Kennebec County, *Stokes, J.*) after a trial.¹ Contrary to Ewing's contentions, the court's instructions to the jury, including its response to a question posed by the jury during deliberations, did not constitute obvious error. *See* M.R.U. Crim. P. 52(b); *State v. Coleman*, 2019 ME 170, ¶ 22, 221 A.3d 932; *State v. Robinson*, 2016 ME 24, ¶¶ 46-48, 134 A.3d 828; *State v. Nobles*, 2018 ME 26, ¶ 31, 179 A.3d 910; *State v. Nadeau*, 2007 ME 57, ¶ 13, 920 A.2d 452; *State v. Plummer*, 2020 ME 106, ¶¶ 31-33, 238 A.3d 241. Furthermore, the trial record contains sufficient evidence to support the jury's finding, beyond a reasonable doubt, that Ewing had committed the crime of criminal speeding.² *See* 29-A

¹ The parties tried the criminal speeding charge to a jury, and Ewing proceeded with a jury-waived trial on the violation-of-condition-of-release charge.

² Ewing does not specifically challenge his conviction of violation of condition of release on appeal. The trial record contains sufficient evidence to support the court's finding of guilt on that charge. *See* 15 M.R.S. § 1092(1)(A) (2022); *State v. Black*, 2000 ME 211, ¶ 14, 763 A.2d 109.

M.R.S. § 2074(3); 29-A M.R.S. § 2075(4)(A) (2022); *State v. Black*, 2000 ME 211, ¶ 14, 763 A.2d 109; *State v. Caron*, 525 A.2d 1049, 1050 (Me. 1987).

The entry is:

Judgment affirmed.

Peter Ewing, appellant pro se

Maeghan Maloney, District Attorney, and Amanda Seekins, Asst. Dist. Atty.
Prosecutorial District IV, Augusta, for appellee State of Maine

Kennebec County Unified Criminal Docket docket number CR-2019-20798
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