

STATE OF MAINE

v.

JERRY LARRIVEE

Submitted on Briefs February 25, 2000  
Decided February 29, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and  
ALEXANDER, JJ.

MEMORANDUM OF DECISION

Jerry Larrivee appeals from an order of the Superior Court (Cumberland County, *Fritzsche, J.*) denying his motion to withdraw guilty pleas to charges of escape, *see* 17-A M.R.S.A. § 755(1) (1983) (Class C), and theft, *see* 17-A M.R.S.A. § 353 (1983) (Class C), entered in 1993. Contrary to Larrivee's contentions, a petition for post-conviction review is the only avenue by which a remedy may be had after sentence has been imposed. *See* M.R. Crim. P. 32(d); *State v. Pfeil*, 1998 ME 245, ¶ 5, 720 A.2d 573, 576.<sup>1</sup> Accordingly, the court did not err when it declined to entertain Larrivee's motion to withdraw his plea.

The entry is:

Judgment affirmed.

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1. Larrivee previously sought to withdraw his pleas through a post-conviction petition. After his petition was denied in the Superior Court (*Brodrick, A.R.J.*), we denied his request for certificate of probable cause. *See Larrivee v. State*, Cum-98-566 (Me. May 4, 1999) (Order Denying Certificate of Probable Cause). In both the post-conviction petition and the subsequent motion to withdraw his plea, Larrivee asserted that the sentence imposed was not the sentence that was agreed upon or accepted by the court at the time of the plea agreement. The record of the Rule 11 proceeding reflects otherwise.

Attorneys for State:

Stephanie Anderson, District Attorney  
Julia A. Sheridan, Asst. Dist. Atty.  
142 Federal Street  
Portland, ME 04101

Attorney for defendant:

Deborah L. Shaw, Esq.  
Nathan V. Gemmiti, Esq.  
Pierce Atwood  
One Monument Square  
Portland, ME 04101-1110