

Decision: 2016 ME 9
Docket: Kno-14-424
Argued: October 8, 2015
Decided: January 14, 2016
Corrected: February 2, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

STATE OF MAINE

v.

CHARLES R. BLACK

ERRATA SHEET

The opinion of this Court certified on January 14, 2016, is amended as follows:

Paragraph 9 is changed to read:

[¶9] After a five-day jury trial in July of 2014, during which Black did not testify, the jury found Black guilty of all six counts. The court entered a judgment on the verdict, sentencing Black to twenty-five years in prison with all but ten years suspended and six years of probation for the attempted murder count. For the two elevated aggravated assaults, which the court merged into a single count, the court sentenced Black to twenty-five years in prison with all but ~~four~~ ten years suspended and four years of probation, concurrent with the attempted murder sentence.³ For the aggravated assault counts, the court sentenced Black to ten

years in prison, also concurrent with the attempted murder sentence. Black timely appeals.^{3 4}

A new footnote 3 has been added to paragraph 9 and reads as follows:

³ Although the judgment and commitment signed by the trial judge and the docket record both indicate that Black was sentenced to twenty-five years in prison with all but four years suspended for the merged elevated aggravated assault count, the sentencing transcript establishes that the court actually sentenced Black to twenty-five years with all but ten years suspended and four years of probation for that merged count.

The original footnotes 3-5 have been renumbered as follows:

^{3 4} In November of 2012, Black appealed to us from the court's denial of his motion to dismiss the charges and to suppress evidence of his privileged medical records. *State v. Black*, 2014 ME 55, 90 A.3d 448. We dismissed the appeal as interlocutory. *Id.* ¶¶ 1, 11. Black does not challenge the disposition of his motion to dismiss and to suppress in this second appeal.

Black also filed a sentence review application, which the Sentence Review Panel denied on December 12, 2014. *See State v. Black*, No. SRP-14-425 (Me. Sent. Rev. Panel Dec. 12, 2014).

^{4 5} The Maine Rules of Unified Criminal Procedure were not in effect in Knox County when the trial occurred. M.R.U. Crim. P. 1(e)(2) (effective Apr. 1, 2015).

^{5 6} We are limited in our review of the pretrial publicity to those materials Black produced in support of his motion for change of venue. *See State v. Cooper*, 617 A.2d 1011, 1014 (Me. 1992) (noting that it is the movant's "affirmative obligation to provide an adequate record" from which the court can evaluate the publicity and its impact on the jury).

The mandate is changed to read:

The entry is:

~~Judgment~~ Conviction affirmed. Sentence imposed affirmed. Remanded for the Superior Court to sign a corrected judgment and commitment reflecting the actual sentence imposed by the court on the merged elevated aggravated assault count.

The original opinion on the Judicial Branch website has been replaced with the opinion as corrected.