

STATE OF MAINE

v.

SCOTT A. McLEOD

Submitted on Briefs December 1, 2010

Decided December 9, 2010

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

MEMORANDUM OF DECISION

Scott A. McLeod appeals from a judgment of conviction of operating after habitual offender revocation (Class C), 29-A M.R.S. § 2557-A(2)(B) (2009), entered on the Unified Criminal Docket (Bangor, *R. Murray, J.*) after a jury trial. Contrary to McLeod's contentions, the court did not abuse its discretion in allowing the State to offer rebuttal evidence, *see State v. Berry*, 495 A.2d 1207, 1209-10 (Me. 1985); *State v. Anaya*, 456 A.2d 1255, 1266 (Me. 1983), and the court acted within its discretion in admitting the rebuttal evidence notwithstanding the State's failure to list the rebuttal witness before trial, *see U.C.D.R.P.-Bangor 16(d)*; Me. Admin. Order JB-10-1 (effective Jan. 4, 2010); *State v. Dechaine*, 572 A.2d 130, 135-36 (Me.), *cert. denied*, 498 U.S. 857 (1990).

The entry is:

Judgment affirmed.

Attorney for Scott A. McLeod:

Hunter J. Tzovarras, Esq.
PO Box 70
Hampden, Maine 04444

Attorneys for the State of Maine:

R. Christopher Almy, District Attorney
Susan J. Pope, Asst. Dist. Atty.
Prosecutorial District V
97 Hammond Street
Bangor, Maine 04401

Penobscot County Superior Court docket number CR-2009-622
FOR CLERK REFERENCE ONLY