

STATE OF MAINE

v.

VIRGINIA L. ROBIDEAU

Argued April 12, 2011

Decided May 3, 2011

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

MEMORANDUM OF DECISION

Virginia L. Robideau appeals from a judgment of conviction of operating under the influence of intoxicants, 29-A M.R.S. § 2411(1-A)(A)(2) (2008),¹ entered in the Unified Criminal Docket (Penobscot County, *Clifford, J.*) following a nonjury trial. Contrary to Robideau's contentions, the court: (1) did not clearly err in finding the intoxilyer test result was sufficiently reliable to be admitted in evidence, *see State v. Pineo*, 2002 ME 93, ¶ 6, 798 A.2d 1093, 1096; (2) did not commit reversible error in allowing the State chemist to testify regarding the conflicting opinion of a colleague, *see State v. Mangos*, 2008 ME 150, ¶ 15, 957 A.2d 89, 93; and (3) could have rationally found beyond a reasonable doubt every element of the offense charged, *see State v. Moores*, 2009 ME 102, ¶¶ 2, 10, 982 A.2d 318, 318-20; *see also* 29-A M.R.S. § 2431(2)(G) (2008) ("The [result] of a self-contained breath-alcohol apparatus test is prima facie evidence of blood-alcohol level.").²

¹ Title 29-A M.R.S. § 2411(1-A)(A) has since been amended. P.L. 2009, ch. 447, § 37 (effective Sept. 12, 2009).

² Title 29-A M.R.S. § 2431(2)(G) has since been amended. P.L. 2009, ch. 447, § 47 (effective Sept. 12, 2009).

The entry is:

Judgment affirmed.

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