

STATE OF MAINE

v.

GEORGE ARTHUR SCOTT III

Submitted on Briefs July 25, 2012
Decided August 2, 2012

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

MEMORANDUM OF DECISION

George Arthur Scott III appeals from the judgment of the District Court (Rumford, *Ende, J.*) convicting him of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2011), following a nonjury trial. On appeal, Scott contends that the evidence was insufficient to support the judgment to the beyond a reasonable doubt standard because the State's witness was not credible and the breathalyzer test result was inaccurate because, prior to the test, Scott had been in flood waters and "[t]he defendant uses chewing tobacco, swallowing the spit."

Review of the transcript of the trial, including testimony by the State's witness, who was the only witness to testify at trial, provides more than sufficient evidence to support the finding of guilt on each of the elements of the operating under the influence charge beyond a reasonable doubt. *See State v. Soucy*, 2012 ME 16, ¶ 10, 36 A.3d 910. Scott's claims in his brief regarding the facts are not supported by any evidence that was in the record and thus cannot be considered in evaluating sufficiency of the evidence in the record on this appeal.

The entry is:

Judgment affirmed.

On the briefs:

George A. Scott III, appellant pro se

Norman R. Croteau, District Attorney, and Joseph M. O'Connor, Asst. Dist. Atty., Office of the District Attorney, South Paris, for appellee State of Maine