

STATE OF MAINE

v.

MATTHEW C. ROBINSON

Submitted on Briefs July 25, 2012
Decided August 7, 2012

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

MEMORANDUM OF DECISION

Matthew C. Robinson appeals from the judgment of the District Court (Ellsworth, *Gunther, J.*) convicting him, after a nonjury trial, of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(C)(2) (2011), and operating while license is suspended or revoked (Class E), 29-A M.R.S. § 2412-A(1-A)(D) (2011). The only issue on appeal is Robinson's contention that the evidence was insufficient to prove beyond a reasonable doubt that he had been the operator of a motor vehicle found off the road in Bar Harbor on or about August 3, 2011. Viewing the evidence in the record most favorably to the trial court's judgment, *see State v. Medeiros*, 2010 ME 47, ¶ 16, 997 A.2d 95, the evidence was more than sufficient to support the court's finding that Robinson was the operator of the motor vehicle, considering that he was observed coming from the vicinity of the vehicle that had gone off the road, he admitted to having been in the vehicle, and no one else was observed to be in the vicinity at the time, after 11:00 p.m., *see id.* ¶ 17 (stating that a conviction may be based on circumstantial evidence).

The entry is:

Judgment affirmed.

On the briefs:

Steven A. Juskewitch, Esq., Ellsworth, for appellant Matthew C. Robinson

Carletta M. Bassano, District Attorney, and Mary N. Kellett, Asst. Dist. Atty., Prosecutorial District No. VII, Ellsworth, for appellee State of Maine

Ellsworth District Court docket number CR-2011-865
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