

STATE OF MAINE

v.

RICKY C. SPOFFORD

Submitted on Briefs October 31, 2013
Decided December 5, 2013

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

MEMORANDUM OF DECISION

Ricky C. Spofford appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2012), entered by the court (*Campbell, J.*) after a jury found him guilty. Contrary to Spofford's contention, the court did not abuse its discretion in admitting, as evidence of habit or routine practice, *see* M.R. Evid. 406, testimony about the routine method of administering an Intoxilyzer test practiced by the deputy sheriff who tested Spofford, subject to cross-examination and with the opportunity for Spofford to provide competing evidence. *See Levesque v. Cent. Me. Med. Ctr.*, 2012 ME 109, ¶ 26, 52 A.3d 933; *State v. Van Sickle*, 434 A.2d 31, 36-37 (Me. 1981).

The entry is:

Judgment affirmed.

On the briefs:

Wayne R. Foote, Esq., Law Offices of Wayne R. Foote, PA,
Bangor, for appellant Ricky C. Spofford

R. Christopher Almy, District Attorney, and Susan J. Pope,
Asst. Dist. Atty., Prosecutorial District V, Bangor, for appellee
State of Maine

Penobscot Count Unified Criminal Docket docket number CR-2011-1632
FOR CLERK REFERENCE ONLY