

STATE OF MAINE

v.

DAVID FOSS

Submitted on Briefs December 18, 2014  
Decided January 13, 2015

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

MEMORANDUM OF DECISION

David Foss appeals from a judgment of conviction entered in the trial court (*Stitham, J.*) for operating after habitual offender revocation (Class C), 29-A M.R.S. § 2557-A(2)(C) (2014), after a jury trial. Determining the credibility of witnesses is the exclusive province of the jury. *State v. Schmidt*, 2008 ME 151, ¶ 19, 957 A.2d 80. Contrary to Foss's contention, there was sufficient evidence for the jury to rationally find beyond a reasonable doubt every element of the offense charged. *See State v. Ardolino*, 1997 ME 141, ¶ 20, 697 A.2d 73.

The entry is:

Judgment affirmed.

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**On the briefs:**

David W. Bate, Esq., Bangor, for appellant David Foss

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

Penobscot County Unified Criminal Docket docket number CR-2013-799  
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