

STATE OF MAINE

v.

AMBER D. COTE

Submitted on Briefs November 19, 2015
Decided December 3, 2015

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

MEMORANDUM OF DECISION

Amber D. Cote appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2014), entered by the Superior Court (York County, *O'Neil, J.*) after a jury trial. Contrary to Cote's contentions, there was sufficient evidence for the jury to find each element of the offense beyond a reasonable doubt. *See* 29-A M.R.S. § 2411(1-A)(A); *State v. Hayes*, 675 A.2d 106, 109 (Me. 1996).

We discern no abuse of discretion in the court's decision to deny Cote's motion for the "extreme sanction" of dismissal following the State's alleged discovery violation. *See State v. Reeves*, 499 A.2d 130, 133 (Me. 1985). We also discern no abuse of discretion in the court's denial of Cote's mistrial motions, and presume that the jury followed the court's instruction to disregard references to certain evidence. *See State v. Ardolino*, 1997 ME 141, ¶ 18, 697 A.2d 73.

The entry is:

Judgment affirmed.

On the briefs:

James S. Hewes, Esq., South Portland, for appellant Amber Cote

Kathryn Loftus Slattery, District Attorney, Prosecutorial District One, Alfred, and Anne Marie Pazar, Esq., for appellee State of Maine

York County Superior Court docket number CR-2014-701
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