

STATE OF MAINE

v.

DAVID MAGOON

Submitted on Briefs June 22, 2016

Decided June 30, 2016

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

MEMORANDUM OF DECISION

David Magoon appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2015), entered in the Unified Criminal Docket (Penobscot County, *Anderson, J.*) after a jury-waived trial. Contrary to Magoon's contention, the court did not abuse its discretion in denying his motion in limine seeking to exclude certain field sobriety tests as not relevant pursuant to M.R. Evid. 401. Additionally, there was sufficient evidence for the court to find each element of the offense beyond a reasonable doubt. *See State v. McCurdy*, 2002 ME 66, ¶¶ 10-11, 795 A.2d 84.

The entry is:

Judgment affirmed.

On the briefs:

Sarah A. Churchill, Esq., Nichols & Churchill, P.A., Portland, for appellant
David Magoon

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-2014-906
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