

STATE OF MAINE

v.

ROBERT CALDWELL

Submitted on Briefs May 31, 2018
Decided June 7, 2018

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

MEMORANDUM OF DECISION

Robert Caldwell appeals from a judgment of conviction for operating under the influence (OUI) with one prior conviction for OUI (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2017), entered by the Unified Criminal Docket (Penobscot County, *Lucy, J.*) after a bench trial.

Contrary to Caldwell's contention, when the evidence presented is viewed in the light most favorable to the State, there was sufficient evidence to allow the court to find every element of the offense charged, including operation of the vehicle, beyond a reasonable doubt. *See State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84; *see also State v. Moores*, 2006 ME 139, ¶ 7, 910 A.2d 373 ("The fact-finder may draw all reasonable inferences from the evidence."); *State v. Ellis*, 651 A.2d 830, 831 (Me. 1994) ("[A] conviction based on circumstantial evidence is no less conclusive than one based on direct evidence.").

The entry is:

Judgment affirmed.

Robert Van Horn, Esq., Van Horn Law Office, Ellsworth, for appellant Robert Caldwell

R. Christopher Almy, District Attorney, and Chris Ka Sin Chu, Asst. Dist. Atty., Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot County Unified Criminal Docket docket number CR-2016-3881
FOR CLERK REFERENCE ONLY