

STATE OF MAINE

v.

DEBBIE ANDERSON

Argued October 10, 2024
Decided October 17, 2024

Panel: STANFILL, C.J.,* and MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Debbie Anderson appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2024), entered by the trial court (Penobscot County, *Ociepka, J.*) following a jury trial. Contrary to Anderson’s contention, we conclude that the court did not abuse its “broad discretion” in denying her motion to dismiss the charge against her on the ground that it was de minimis. *State v. Labbe*, 2024 ME 15, ¶ 24, 314 A.3d 162 (quotation marks omitted); *see* 17-A M.R.S. § 12 (2024). Furthermore, there was ample evidence upon which the jury could find beyond a reasonable doubt that Anderson was impaired at the time she operated a motor vehicle. *See State v. Belhumeur*, 2015 ME 150, ¶ 6, 128 A.3d 646; *State v. Saucier*, 2024 ME 31, ¶ 10, 314 A.3d 277.

* Although not available at oral argument, Chief Justice Stanfill participated in the development of this memorandum of decision. *See* M.R. App. P. 12(a)(2) (“A qualified Justice may participate in a decision even though not present at oral argument.”).

The entry is:

Judgment affirmed.

Michelle R. King, Esq. (orally), Irwin & Morris, Portland, for appellant Debbie Anderson

R. Christopher Almy, District Attorney, and Mark A. Rucci, Dept. Dist. Atty. (orally), Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot Unified Criminal Docket docket number CR-2021-760
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