

STATE OF MAINE

v.

JARROD Z. BILODEAU

Submitted on Briefs March 27, 2024
Decided April 16, 2024

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

MEMORANDUM OF DECISION

Jarrold Z. Bilodeau appeals from a judgment of conviction for criminal operating under the influence in violation of 29-A M.R.S. § 2411(1-A)(C)(2) (2023) entered by the trial court (Piscataquis County, *Mallonee, J.*) after a jury trial. Contrary to Bilodeau’s contentions, the court did not err by denying his motion for judgment of acquittal. *See State v. Adams*, 2015 ME 30, ¶ 19, 113 A.3d 583 (reviewing “the denial of a motion for judgment of acquittal by viewing the evidence in the light most favorable to the State to determine whether a jury could rationally have found each element of the crime proven beyond a reasonable doubt” (quotation marks omitted)). There was sufficient evidence in the record for the jury to have rationally found that Bilodeau operated a motor vehicle and that, at the time of the operation, he was under the influence of intoxicants. *See id.* ¶ 20; *State v. Hayes*, 675 A.2d 106, 109 (Me. 1996); *State v. Poulin*, 1997 ME 160, ¶ 15, 697 A.2d 1276.

Although we therefore affirm Bilodeau’s conviction, for the following reasons we must vacate the sentence and remand this matter for resentencing. *See State v. Beeler*, 2022 ME 47, ¶¶ 29-30, 281 A.3d 637 (vacating a sentence

for an OUI conviction that did not comport with mandatory sentencing provisions); *State v. Gilman*, 2010 ME 35, ¶¶ 13, 15, 20-21, 993 A.2d 14 (stating that a sentence imposing less than the mandatory minimum required by statute is illegal). The court sentenced Bilodeau to serve a period of incarceration of eighteen days and to pay a \$900 fine, plus fees and surcharges. The court further ordered a three-year suspension of Bilodeau's right to operate a motor vehicle and his right to register a motor vehicle, noting on the record that both suspensions are mandatory components of a sentence for a conviction of this offense. *See* 29-A M.R.S. § 2411(5)(B). However, the notice of suspension incorporated into the judgment and commitment by reference did not reflect the suspension of the right to register a motor vehicle—a mandatory component of a sentence for a conviction of this offense. *See* 29-A M.R.S. § 2411(5)(B)(4). In addition, neither the judgment and commitment nor the record of sentencing indicates that Bilodeau was ordered “to participate in the alcohol or other drug program of the Department of Health and Human Services,” which, unless waived, also is a mandatory component of a sentence for a conviction of this offense. 29-A M.R.S. § 2411(5)(F).

The entry is:

Sentence vacated. Remanded for resentencing
to address mandatory sentencing provisions.
Judgment affirmed in all other respects.

Michelle R. King, Esq., Irwin & Morris, Portland, for appellant Jarrod Z. Bilodeau

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