

STATE OF MAINE

v.

TODD GRAY

Submitted on Briefs March 14, 2003

Decided March 24, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
and LEVY, JJ.

MEMORANDUM OF DECISION

Todd Gray appeals from a judgment of conviction of OUI (Class D), 29-A M.R.S.A. § 2411(1)(A), (5)(C) (1996), and refusing to submit to arrest (Class D), 17-A M.R.S.A. § 751-A (Supp. 2002), entered after trial in District Court (Machias, *Romei, J.*). Contrary to Gray's contentions, the court, as the sole judge of the credibility and weight of the evidence, was not required to credit a witness's testimony that Gray was not driving his truck when it hit a tree. *See State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88. The evidence was sufficient for a fact-finder to rationally find beyond a reasonable doubt that an admittedly intoxicated Gray was driving the truck when it struck the tree. *See id.*

The entry is:

Judgment affirmed.

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