

STATE OF MAINE

v.

MICHAEL L. PULK

Submitted on Briefs January 2, 2003

Decided January 17, 2003

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

MEMORANDUM OF DECISION

Michael Pulk appeals from a judgment of conviction of OUI (Class D), 29-A M.R.S.A. § 2411(1)(A) (1996), entered after trial in District Court (Bangor, *Russell, J.*). Contrary to Pulk's contentions, the court, as the sole judge of the credibility and weight of the evidence, was not required to credit a police officer's opinion that Pulk was not under the influence. *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, *see id.*, that Pulk's mental or physical faculties were impaired, "however slightly or to any extent," by his consumption of alcohol, *State v. Cilley*, 1998 ME 34, ¶ 11, 707 A.2d 79, 83.

The entry is:

Judgment affirmed.

Attorneys for State:

R. Christopher Almy, District Attorney  
C. Daniel Wood, Asst. Dist. Atty.  
97 Hammond Street  
Bangor, ME 04401

Attorney for defendant:

Wayne R. Foote, Esq.  
P O Box 1576  
Bangor, ME 04402