

STATE OF MAINE

v.

DAVID LOVALLO

Submitted on Briefs May 29, 2003
Decided June 18, 2003

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

MEMORANDUM OF DECISION

David Lovallo appeals from the judgment of the Superior Court (Androscoggin County, *Clifford, J.*) convicting him of one count of robbery in violation of 17-A M.R.S.A. § 651(1)(E) (Supp. 2002) (Class A). Contrary to Lovallo's contention, the court did not commit clear error when it found that Lovallo's level of intoxication did not deprive him of the required culpable state of mind. *See State v. Barrett*, 408 A.2d 1273, 1276 (Me. 1979) (ruling that even if the fact-finder had found that the defendant was intoxicated, the defendant's intoxication did not necessarily affect his ability to form the "conscious object to

cause the results of his conduct”). The evidence supported the court’s finding. *See State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027.

The entry is:

Judgment affirmed.

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