

STATE OF MAINE

v.

JOSEPH R. BEAULIEU

Submitted on Briefs September 9, 2004
Decided September 27, 2004

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

MEMORANDUM OF DECISION

Joseph R. Beaulieu appeals from his conviction in the Superior Court (Waldo County, *Marden, J.*) for aggravated operating under the influence (Class C), 29-A M.R.S.A. § 2411(1), (6) (1996 & Supp. 2003). Contrary to Beaulieu's contentions the trial court neither erred nor exceeded the bounds of its discretion (1) when it admitted testimony asserted to be privileged under M.R. Evid. 503 because Beaulieu specifically waived the privilege, if any, *see State v. Lewisohn*, 379 A.2d 1192, 1212 (Me. 1977); (2) when it denied Beaulieu's motion to recuse the prosecutor, *see State v. Sanborn*, 644 A.2d 475, 479-80 (Me. 1994);

(3) when it excluded expert testimony, *see State v. Corson*, 572 A.2d 483, 486 (Me. 1990); and (4) when it declined to set aside the jury's verdict as inconsistent, *see State v. Pineo*, 2002 ME 93, ¶ 9, 798 A.2d 1093, 1097-98. The evidence was sufficient to support the verdict. *See State v. Ellis*, 651 A.2d 830, 831 (Me. 1994).

The entry is:

Judgment affirmed.

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