

STATE OF MAINE

v.

ROBERT MODERY

Submitted on Briefs December 13, 2005
Decided December 20, 2005

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

MEMORANDUM OF DECISION

Robert Modery appeals from a judgment entered in the District Court (Bangor, *Gunther, J.*), in which he was adjudicated of three counts of permitting smoking in a public place in violation of 22 M.R.S.A. § 1542 (2004) and 17 C.M.R. 10 144 249-2 to -3 §§ 3, 6 (2003), and of one count of failing to post “No Smoking” signs in violation of 22 M.R.S.A. §§ 1543, 1545 (2004) and 17 C.M.R. 10 144 249-3 §§ 4, 6 (2003). Contrary to Modery’s contentions, viewing the evidence in the light most favorable to the judgment, there is competent evidence in the record to support the court’s findings that on January 19, 20, and 21, Modery

permitted smoking at Number Ten North Main, and that on January 21, he failed to post the required “No Smoking” signs. *See City of Bangor v. Diva’s, Inc.*, 2003 ME 51, ¶ 7, 830 A.2d 898, 901; *Bradford v. Harris*, 499 A.2d 159, 160-61 (Me. 1985).

The entry is:

Judgment affirmed.

Attorneys for State:

G. Steven Rowe, Attorney General
N. Paul Gauvreau, Asst. Atty. Gen.
6 State House Station
Augusta, ME 04333-0006

For defendant:

Robert R. Modery
87 Park Street
Orono, ME 04473