

STATE OF MAINE

v.

WENDY PIETRASZEWSKI

Submitted on Briefs January 10, 2005

Decided February 2, 2005

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

MEMORANDUM OF DECISION

Wendy Pietraszewski appeals from a judgment of conviction entered in the District Court (Waterville, *Perry, A.R.J.*) for operating a motor vehicle under the influence of alcohol or drugs (Class D), 29-A M.R.S.A. § 2411(1) (1996).¹ Contrary to Pietraszewski's contentions, the court neither erred nor exceeded its discretion in dismissing her motion to suppress as untimely because it was filed more than two months after her arraignment, *see* M.R. Crim. P. 12(b)(3) (requiring that motions be filed within twenty-one days after entry of plea unless the court

¹ Section 2411(1) has since been repealed and replaced by 29-A M.R.S.A. § 2411(1-A) (Supp. 2004). *See* P.L. 2003, ch. 452, § Q-77 (effective July 1, 2004).

specifies a different time); *State v. Kennedy*, 2002 ME 5, ¶ 6, 788 A.2d 174, 176, and the evidence, when viewed in a light most favorable to the State, is sufficient for the court to have found beyond a reasonable doubt every element of the offense charged, *see State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027.

The entry is:

Judgment affirmed.

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