

STATE OF MAINE

v.

MARK MELANSON

Submitted on Briefs February 1, 2005

Decided February 8, 2005

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

MEMORANDUM OF DECISION

Mark Melanson appeals a judgment convicting him of (1) operating under the influence (Class C) in violation of 29-A M.R.S.A. § 2411(1)(6)(B) (Supp. 2002);¹ and (2) operating after revocation (Class C) in violation of 29-A M.R.S.A. § 2557(1), (2)(B) (1996 & Supp. 2002),² entered by the Superior Court (Kennebec County, *Atwood, J.*), following a jury trial. Melanson does not deny that he was

¹ The provisions of the OUI law were repealed and replaced, effective July 1, 2004, by P.L. 2003, ch. 452 §§ Q-77 to Q-83. Charges on and after July 1, 2004, are brought pursuant to 29-A M.R.S.A. § 2411(1-A) (Supp. 2004). The events in this case occurred before the change in the law.

² Title 29-A M.R.S.A. § 2557 has since been amended by P.L. 2003, ch. 452 §§ Q-90 to Q-92 (effective July 1, 2004) *codified at* 29-A M.R.S.A. § 2557 (Supp. 2004).

intoxicated on the evening in question, but contends that there was insufficient evidence for the jury to find that he was operating a vehicle.

Contrary to Melanson's contentions, the fact-finder rationally could have found, beyond a reasonable doubt, every element of the offenses charged. *State v. Black*, 2000 ME 211, ¶ 14, 763 A.2d 109, 113.

The entry is:

Judgment affirmed.

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