

STATE OF MAINE

v.

JOHN ADAMS

Submitted on Briefs April 20, 2005
Decided April 29, 2005

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

MEMORANDUM OF DECISION

John W. Adams appeals from a judgment entered in the Superior Court (Washington County, *Jabar, J.*) convicting him of operating under the influence (Class D) in violation of 29-A M.R.S.A. § 2411(1) (1996).¹ Adams argues on appeal that the .10 reading on an Intoxilyzer 5000 breath test was insufficient to support his conviction in light of expert testimony as to the margin of error on the .10 reading.

¹ Section 2411(1) has since been repealed and replaced by P.L. 2003, ch. 452, § Q-78 (effective July 1, 2004) (codified at 29-A M.R.S.A. § 2411(1-A) (Supp. 2004)).

We accord deference to the weight attributed by the court to expert testimony regarding the accuracy of an Intoxilyzer reading. *See State v. Barnard*, 2001 ME 80, ¶ 14, 772 A.2d 852, 858. Contrary to Adams's contention, the evidence in the record is sufficient to support a finding of guilt beyond a reasonable doubt. *State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88.

The entry is:

Judgment affirmed.

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