

STATE OF MAINE

v.

JOSEPH THIBOUTOT JR.

Submitted on Briefs April 20, 2005
Decided May 24, 2005

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

MEMORANDUM OF DECISION

Joseph Thiboutot Jr. appeals from a judgment of conviction entered in the Superior Court (Sagadahoc County, *Studstrup, J.*) after a jury found him guilty of operating a motor vehicle after his license had been suspended in violation of 29-A M.R.S.A. § 2412-A(1)(E) (Supp. 2003) (Class E).¹ Contrary to Thiboutot's contention, there was sufficient evidence to support his conviction, *see State v. Bates*, 2003 ME 67, ¶ 19, 822 A.2d 1129, 1134. Thiboutot's remaining arguments

¹ Title 29-A M.R.S.A. § 2412-A(1) has since been repealed and replaced by P.L. 2003, ch. 452, §§ Q-84, Q-85 (effective July 1, 2004) (codified at 29-A M.R.S.A. § 2412-A(1-A) (Supp. 2004)).

are without merit because he “cannot attack the validity of the suspension at his subsequent trial for operating after suspension [because] [d]efendants who do nothing to contest their suspensions prior to their arrests cannot mount collateral attacks at an operating after suspension trial,” *State v. Holmes*, 2004 ME 155, ¶ 8, 864 A.2d 166, 168; and because the jury was free to reject his competing harms defense because “[t]he weight of the evidence and the determinations of witness credibility are the exclusive provinces of the factfinder,” *State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88.

The entry is:

Judgment affirmed.

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