

STATE OF MAINE

v.

LUCAS PHILBRICK

Submitted on Briefs September 14, 2006

Decided October 3, 2006

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

MEMORANDUM OF DECISION

Lucas Philbrick appeals from his convictions in Superior Court (Kennebec County, *Mills, J.*) for aggravated operating under the influence (Class C), 29-A M.R.S.A. § 2411(1), (6) (1996),¹ and aggravated assault (Class B), 17-A M.R.S. § 208(1)(A), (2) (2005). Contrary to Philbrick's contentions, the court avoided the impact of any prejudice from statements made during the prosecutor's closing argument regarding causation by correctly instructing the jury on the issue, *see* 17-A M.R.S. § 33 (2005); *State v. Snow*, 464 A.2d 958, 961-62 (Me. 1983), and

¹ Title 29-A M.R.S.A. § 2411(1) and (6) (1996) have since been repealed by P.L. 2003, ch. 452, §§ Q-77, Q-83 (effective July 1, 2004), and replaced with 29-A M.R.S. § 2411(1-A) (2005).

the evidence was sufficient to support the convictions, *see State v. Barnard*, 2003 ME 79, ¶ 20, 828 A.2d 216, 222.

The entry is:

Judgment affirmed.

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