

STATE OF MAINE

v.

EDMOND G. LABBE JR.

Submitted on Briefs May 12, 2006
Decided May 19, 2006

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

MEMORANDUM OF DECISION

Edmond G. Labbe Jr. appeals from a judgment entered in the Superior Court (Somerset County, *Jabar, J.*) finding him guilty of night hunting (Class D), 12 M.R.S. § 11206(1)(A), (2)(A) (2005), and eluding an officer (Class C), 29-A M.R.S. § 2414(3) (2005). Contrary to Labbe's contention, the court did not err in instructing the jury relative to the charge of eluding an officer. *See State v. Daniels*, 663 A.2d 33, 36 (Me. 1995). Moreover, the indictment sufficiently set forth the facts essential to the charge of eluding an officer. *See State v. Spearin*, 477 A.2d 1147, 1157-58 (Me. 1984). Also, contrary to Labbe's contention, 29-A

M.R.S. § 2414(3) is not unconstitutionally vague. *See State v. Witham*, 2005 ME 79, ¶ 7, 876 A.2d 40, 42. Finally, there was sufficient evidence to support the verdict of guilty of eluding an officer. *See State v. Allen*, 2006 ME 20, ¶ 26, 892 A.2d 447, 455.

The entry is:

Judgment affirmed.

Attorneys for State:

Evert N. Fowle, District Attorney
Brent A. Davis, Asst. Dist. Atty.
41 Court Street
Skowhegan, ME 04976

Attorney for defendant:

Thomas F. Hallett, Esq.
Michael B. Whipple, Esq.
Thomas F. Hallett Law Offices, P.A.
P.O. Box 7508
Portland, ME 04112