

STATE OF MAINE

v.

JEFFREY J. HARVEY

Argued May 8, 2006  
Decided May 26, 2006

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

MEMORANDUM OF DECISION

Jeffrey J. Harvey appeals from a judgment of conviction of criminal OUI (Class C), 29-A M.R.S.A. § 2411(1), (6) (1996 & Supp. 2003); and operating after suspension (Class E), 29-A M.R.S.A. § 2412-A(1) (Supp. 2003), entered in the Superior Court (Penobscot County, *Mead, J.*). Contrary to Harvey's contention, the court did not abuse its discretion when it ruled that the suppressed evidence could have been used to impeach him if he had chosen to testify regarding his alcohol consumption on the day of the accident. "[T]he use of the information is not itself a constitutional violation" and, therefore, the information may be used for impeachment purposes. *State v. York*, 1997 ME 156, ¶ 8, 705 A.2d 692, 695.

The entry is:

Judgment affirmed.

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