

JOHN A. RICCI

v.

STATE OF MAINE

Submitted on Briefs September 27, 2007
Decided October 18, 2007

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

MEMORANDUM OF DECISION

John A. Ricci appeals from a judgment of the Superior Court (Kennebec County, *Studstrup, J.*) affirming the decision of the Bureau of Motor Vehicles finding him guilty of operating a motor vehicle while intoxicated. He appeals from the court's order affirming the Bureau's finding that (1) there was probable cause to believe that he was operating a motor vehicle while intoxicated, and (2) Ricci was, in fact, intoxicated. We review the hearing examiner's findings of fact for clear error. *Davis v. Sec'y of State*, 577 A.2d 338, 340 (Me. 1990). Contrary to Ricci's contention, the Bureau's hearing examiner did not commit clear error in

finding that (1) there was probable cause to believe that Ricci was operating a motor vehicle while intoxicated, and (2) Ricci was, in fact, intoxicated. *See Payson v. Sec'y of State*, 634 A.2d 1278, 1279 (Me. 1993).

The entry is:

Judgment affirmed.

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