

STATE OF MAINE

v.

BRYANT GRAY

Submitted on Briefs December 11, 2007
Decided December 18, 2007

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

MEMORANDUM OF DECISION

Bryant Gray appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(C)(1) (2006), entered after a jury trial in the Superior Court (Hancock County, *Hjelm, J.*). Contrary to Gray's contention, the evidence, when viewed in the light most favorable to the State, was sufficient for a fact-finder to rationally find each element of the offense beyond a reasonable doubt. *See State v. Falcone*, 2000 ME 196, ¶ 5, 760 A.2d 1046, 1048. Nor did the court err in considering Gray's exculpatory testimony as a failure to

take responsibility for his actions when determining the length of his sentence. *See State v. Eastman*, 1997 ME 39, ¶ 15, 691 A.2d 179, 184.

The entry is:

Judgment affirmed.

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