

STATE OF MAINE

v.

WILFRED A. HANINGTON

Submitted on Briefs May 2, 2007
Decided May 17, 2007

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

MEMORANDUM OF DECISION

Wilfred A. Hanington appeals from a judgment of conviction for operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2006), entered in the District Court (Lincoln, *Griffiths, A.R.J.*) following a bench trial. Contrary to Hanington's contention, the court did not abuse its discretion by permitting the State to enter in evidence the results of the intoxilyzer test. *See* 29-A M.R.S. § 2431(1) (2006); *State v. Poulin*, 1997 ME 160, ¶ 13, 697 A.2d 1276, 1279-80. We also disagree with Hanington's contention that there was insufficient evidence to convict him of the offense charged. The evidence, when viewed in the light

most favorable to the State, was sufficient for a fact-finder to find each element of the offense beyond a reasonable doubt. *See State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88.

The entry is:

Judgment affirmed.

Attorneys for State:

R. Christopher Almy, District Attorney
C. Daniel Wood, Asst. Dist. Attorney
97 Hammond Street
Bangor, ME 04401

Attorney for defendant:

Joseph M. Baldacci, Esq.
P.O. Box 1423
Bangor, ME 04402-1423