

STATE OF MAINE

v.

MYK SCHUMACKER

Submitted on Briefs December 12, 2008
Decided December 18, 2008

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

MEMORANDUM OF DECISION

Myk Schumacker appeals from a judgment of conviction entered in the District Court (Portland, *Eggert, J.*) upon the court finding him guilty of operating while license suspended (Class E), 29-A M.R.S. § 2412-A(1-A)(B) (2007). Contrary to Schumacker's contention, the court did not err in admitting the certified statement from the Secretary of State as evidence of the reason for his license suspension. *See* 29-A M.R.S. § 113(3) (2007); *State v. Tayman*, 2008 ME 177, --- A.2d ---. Furthermore, the court did not err in finding that the State had proved its case beyond a reasonable doubt and in denying Schumacker's motion for acquittal. *See Tayman*, 2008 ME 177, ¶ 4, --- A.2d at ---; *see also State v. Holmes*, 2004 ME 155, ¶ 11, 864 A.2d 166, 168-69; *State v. Fenderson*, 449 A.2d 381, 383 (Me. 1982). Finally, the court did not abuse its discretion in imposing as part of the sentence a fine that exceeded the statutory mandatory minimum by \$200 in light of Schumacker's driving record. *See* 29-A M.R.S. § 2412-A(3); *State v. Berube*, 1997 ME 165, ¶ 14, 698 A.2d 509, 514 (noting that "[t]he court has broad discretion to determine what information it will consider in sentencing").

The entry is:

Judgment affirmed.

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