

STATE OF MAINE

v.

DOUGLAS BYRNE

Submitted On Briefs January 24, 2008

Decided March 4, 2008

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD and GORMAN, JJ.

MEMORANDUM OF DECISION

Douglas Byrne appeals from a judgment entered in the Superior Court (Kennebec County, *Mills, J.*) on the jury's verdict finding Douglas guilty of a criminal OUI (Class D), 29-A M.R.S. § 2411(1-A)(C)(1) (2007). Contrary to Byrne's contentions, there was sufficient evidence to support the jury's finding that Byrne was under the influence of intoxicants at the time he operated the motor vehicle. *See State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88. Furthermore, it was not obvious error for the court to allow the jury to begin deliberations late in the afternoon when there was a possible snowstorm in the weather forecast. *See* M.R. Civ. P. 52; *State v. Gilman*, 637 A.2d 1180, 1181 (Me. 1994); *State v. Hale*, 157 Me. 361, 364, 172 A.2d 631, 633 (1961).

The entry is:

Judgment affirmed.

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