

STATE OF MAINE

v.

THOMAS ST. JOHN

Submitted on Briefs September 30, 2009

Decided October 6, 2009

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

#### MEMORANDUM OF DECISION

Thomas St. John appeals from a judgment entered by the Superior Court (Penobscot County, *Anderson, J.*) on a jury verdict, finding him guilty of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(C)(2) (2008). Contrary to St. John's contentions, the court did not abuse its discretion in (1) finding that St. John's expert witness's testimony would be unreliable since he did not have a sufficient familiarity with St. John's psychological condition to conclude that St. John had attention deficit disorder, *State v. Bickart*, 2009 ME 7, ¶ 15, 963 A.2d 183, 187-88; *In re Sarah C.*, 2004 ME 152, ¶ 13, 864 A.2d 162, 165; (2) excluding the expert's testimony on that issue, *Parker v. Hohman*, 250 A.2d 698, 702-03 (Me. 1969); M.R. Evid. 705(b); and (3) therefore, excluding the expert's testimony about the effect of ADD on field sobriety tests as irrelevant, M.R. Evid. 402.

The entry is:

Judgment affirmed.

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Penobscot County Superior Court docket number CR-2008-535  
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