

STATE OF MAINE

v.

WADSON MICHEL

Submitted on Briefs April 15, 2009

Decided April 23, 2009

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

MEMORANDUM OF DECISION

Wadson Michel appeals from a conviction of criminal speeding, 29-A M.R.S. § 2074(3) (2008) (Class E), entered after a jury-waived trial in the District Court (Augusta, *Mulhern, J.*).

Michel argues, in essence, that the evidence was insufficient to support his conviction. Regardless of Michel's contentions concerning his version of events, the judge acting in a fact-finding capacity has the prerogative to selectively reject or accept testimony. *See State v. Moores*, 2006 ME 139, ¶ 7, 910 A.2d 373, 375 ("We will not substitute our judgment as to the weight and credibility of the evidence for that of the [fact-finder]."). In this case, the police officer testified that he had observed "[o]ne vehicle in the passing lane . . . passing the other vehicle at a very high rate of speed," and that his radar tracked that speed at ninety-seven miles per hour. The officer further stated that the posted speed limit in that area of the road was sixty-five miles per hour. Michel also testified and admitted to being in the passing lane. Therefore, the court could rationally have found that Michel was guilty of criminal speeding beyond a reasonable doubt. *See State v. Smen*, 2006 ME 40, ¶ 7, 895 A.2d 319, 321.

The entry is:

Judgment affirmed.

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The State of Maine did not file a brief.