

STATE OF MAINE

v.

ROBERT B. GALLAGHER

Submitted on Briefs April 15, 2009

Decided April 28, 2009

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

MEMORANDUM OF DECISION

Robert B. Gallagher appeals from the judgment of the District Court (Ellsworth, *Staples, J.*) convicting him of operating under the influence, 29-A M.R.S. § 2411(1-A)(C)(2) (2008) following a nonjury trial. Gallagher's only contention on appeal is that the trial court improperly evaluated the evidence and that the evidence, properly evaluated, is insufficient to support the conviction. Upon review, we must consider the evidence and inferences that may be drawn from the evidence in the light most favorable to the State to determine whether the court could have rationally found each element of the offense proved beyond a reasonable doubt. *State v. Smen*, 2006 ME 40, ¶ 7, 895 A.2d 319, 321. Judged by that standard of review, the evidence in this record is more than sufficient to support the conviction.

The entry is:

Judgment affirmed.

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