

STATE OF MAINE

v.

SHAWN A. WOODBURY

Submitted on Briefs July 7, 2010

Decided July 20, 2010

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

MEMORANDUM OF DECISION

Shawn A. Woodbury appeals from a judgment of conviction of operating after habitual offender revocation (Class D), 29-A M.R.S. § 2557-A(2)(A) (2008),¹ entered in the Superior Court (Penobscot County, *Anderson, J.*) after a jury trial. Contrary to Woodbury's contention, the court did not commit clear error in excluding his testimony regarding his reasons for pleading guilty to a charge of operating after suspension, which led to his classification as a habitual offender pursuant to 29-A M.R.S. § 2551-A(1)(A)(4) (2008). *See* M.R. Evid. 401 (defining relevant evidence as that which makes the existence of a fact of consequence more or less likely); *State v. Bickart*, 2009 ME 7, ¶ 30, 963 A.2d 183, 192. A defendant may not collaterally attack a decision of the Secretary of State at a subsequent trial for operating after habitual offender revocation. *See State v. Holmes*, 2004 ME 155, ¶ 8, 864 A.2d 166, 168.

¹ Title 29-A M.R.S. § 2557-A(2) has since been amended. P.L. 2009, ch. 54, § 5 (effective April 22, 2009) (codified at 29-A M.R.S. § 2557-A(2) (2009)).

The entry is:

Judgment affirmed.

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