

STATE OF MAINE

v.

THOMAS R. IVEY

Submitted on Briefs June 16, 2011  
Decided July 12, 2011

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

MEMORANDUM OF DECISION

Thomas R. Ivey appeals from the judgment of the Superior Court (Washington County, *Cuddy, J.*), following a jury-waived trial, convicting him of aggravated assault (Class B), 17-A M.R.S. § 208(1)(B) (2010); reckless conduct with a dangerous weapon (Class C), 17-A M.R.S. §§ 211(1), 1252(4) (2010); and aggravated criminal mischief (Class C), 17-A M.R.S. § 805(1)(A) (2010).<sup>1</sup> On appeal, Ivey contends that there was insufficient evidence to support the convictions and, more specifically, that “[t]he State did not prove sufficient facts for the court to determine that [Ivey’s] conduct was reckless.” The charges arose out of a motor vehicle accident that occurred on March 23, 2008, in Calais. In that accident, Ivey drove a motor vehicle into a utility pole, injuring two people and causing more than \$2000 in damage to a vehicle that did not belong to him. Upon review, we consider the evidence and any reasonable inferences that may be drawn from the evidence most favorably to the court’s judgment. *State v. Medeiros*, 2010 ME 47, ¶ 16, 997 A.2d 95, 99; *State v. Patterson*, 2005 ME 26, ¶ 16, 868

---

<sup>1</sup> Ivey also pleaded nolo contendere to one count of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2008), but the judgment of guilt entered by the court is not challenged here on appeal.

A.2d 188, 192-93. With that standard of review, the evidence in the record supports the court's finding of recklessness beyond a reasonable doubt.

The entry is:

Judgment affirmed.

---

**Attorney for Thomas R. Ivey:**

Marvin H. Glazier, Esq.  
Vafiades, Brountas & Kominsky, LLP  
PO Box 919  
Bangor, Maine 04402-0919

**Attorneys for the State of Maine:**

Carletta Bassano, District Attorney  
Paul Cavanaugh II, First Asst. Dist. Atty.  
Prosecutorial District VII  
382 South Street, Suite A  
PO Box 333  
Calais, Maine 04619