

STATE OF MAINE

v.

SKIPPER LEE WING

Submitted on Briefs April 27, 2011  
Decided May 12, 2011

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

MEMORANDUM OF DECISION

Skipper Lee Wing appeals from a judgment of conviction entered by the Superior Court (Oxford County, *Clifford, J.*) for aggravated operating after habitual offender revocation (Class C), 29-A M.R.S. § 2558(2)(C) (2010); operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2008);<sup>1</sup> and criminal mischief (Class D), 17-A M.R.S. § 806(1)(A) (2010), following a jury trial. Contrary to Wing's contentions, the court did not err in permitting the State to elicit testimony to rebut evidence or issues initially asserted by Wing. *See State v. Ifill*, 574 A.2d 889, 891 (Me. 1990). Further, the court did not err when it refused to declare a mistrial in response to challenged statements by the prosecutor, as, considering the context of the prosecutor's statements, no misconduct occurred. *See State v. Young*, 2000 ME 144, ¶ 6, 755 A.2d 547, 548; *State v. Ardolino*, 1997 ME 141, ¶ 16, 697 A.2d 73, 79. Finally, there was sufficient evidence for the jury to conclude that Wing committed the offenses for

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<sup>1</sup> Title 29-A M.R.S. § 2411(1-A) (2008) has since been amended, though that amendment is not relevant in the present case. P.L. 2009, ch. 447, § 37 (effective Sept. 12, 2009) (codified at 29-A M.R.S. § 2411(1-A) (2009)).

which he was convicted. *See State v. Cook*, 2010 ME 81, ¶¶ 7-8, 2 A.3d 313, 315-16; *State v. Clarke*, 1999 ME 141, ¶ 12, 738 A.2d 1233, 1235.

The entry is:

Judgment affirmed.

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