

STATE OF MAINE

v.

CHAD E. WARD

Argued May 11, 2011
Decided May 31, 2011

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

MEMORANDUM OF DECISION

Chad E. Ward appeals from a judgment of conviction for operating under the influence (Class C), 29-A M.R.S. § 2411(1-A)(A), (B)(3) (2010), and operating after suspension (Class E), 29-A M.R.S. § 2412-A(1-A)(A), (B) (2010), entered in the Unified Criminal Docket (Cumberland County, *Moskowitz, J.*) following a jury trial. Contrary to Ward's contention, to the extent the court exceeded its discretion in refusing to admit expert testimony on the reliability of field sobriety testing, that error was harmless given the wealth of other evidence of Ward's guilt. *See* U.C.D.R.P.-Cumberland County 52(a); *State v. Hatt*, 2002 ME 166, ¶ 5, 810 A.2d 415, 416; *State v. Taylor*, 1997 ME 81, ¶ 15, 694 A.2d 907, 912-13.

Also, the court committed no error in instructing the jury. *See* U.C.D.R.P.-Cumberland County 52(b); *State v. Kirk*, 2005 ME 60, ¶ 3, 873 A.2d 350, 351. Although the court's grant of Ward's motion for a judgment of acquittal as to the intoxilyzer results barred the use of the presumption of intoxication pursuant to 29-A M.R.S. § 2432 (2010), *see* 29-A M.R.S. § 2411(1-A)(A)(2), it did not prevent the jury from considering those results as evidence of intoxication, *see* 29-A M.R.S. § 2411(1-A)(A)(1).

The entry is:

Judgment affirmed.

Attorney for Chad Ward:

Luke Rioux, Esq. (orally)
Fairfield and Associates
75 Pearl Street # 430
Portland, Maine 04101

Attorneys for the State of Maine:

Stephanie Anderson, District Attorney
Hannah E. Ames, Asst. Dist. Atty. (orally)
Prosecutorial District No. Two
142 Federal Street
Portland, Maine 04101