

STATE OF MAINE

v.

STEPHEN J. PALMIERI

Argued February 9, 2022
Decided February 17, 2022

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Stephen J. Palmieri appeals from a judgment of conviction of one count of operating a motor vehicle while under the influence of intoxicants and failing to submit to a test in violation of 29-A M.R.S. § 2411(1-A)(C)(1) (2021) entered in the Unified Criminal Docket (Knox County, *Mallonee, J.*) after a jury trial. Contrary to Palmieri's contention, the trial court did not commit obvious error when it instructed the jury on refusal or in its use of a jury verdict form. *State v. Fay*, 2015 ME 160, ¶¶ 15-16, 130 A.3d 364; *State v. Perkins*, 2019 ME 6, ¶¶ 10, 17-20, 199 A.3d 1174. Furthermore, sufficient evidence exists for the jury to have found rationally that Palmieri was operating a motor vehicle under the influence of intoxicants. *Fay*, 2015 ME 160, ¶¶ 7-8, 130 A.3d 364.

The entry is:

Judgment affirmed.

Luke S. Rioux, Esq. (orally), Rioux, Donahue, Chmelecki & Peltier, LLC, Portland,
for appellant Stephen J. Palmieri

Rosemarie Guimaraes, Asst. Dist. Atty. (orally), Prosecutorial District 6, Belfast,
for appellee State of Maine

Knox County Unified Criminal Docket docket number CR-2019-747
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