

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 25-73
Docket No. Aro-24-446

STATE OF MAINE

v.

TIMMY J. SOUCY

Submitted on Briefs June 23, 2025
Decided July 1, 2025

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, DOUGLAS, and LIPEZ, JJ.

MEMORANDUM OF DECISION

Timmy J. Soucy appeals from a judgment of conviction of operating after habitual offender revocation (Class C), 29-A M.R.S. § 2557-A(1)(A), (2)(B) (2025), entered by the trial court (Aroostook County, *Nelson, J.*) after a jury trial. Contrary to Soucy's contention, the record contains sufficient evidence for the jury to have rationally found that Soucy operated a motor vehicle on a "public way." *Id.*; 17-A M.R.S. § 505(2) (2025); *see also State v. Burgess*, 2001 ME 117, ¶ 13, 776 A.2d 1223; *State v. Petersen*, 268 A.2d 482, 483-84 (Me. 1970); *Commonwealth v. Muise*, 551 N.E.2d 1224, 1225-26 (Mass. App. Ct. 1990). Soucy further contends that the court committed obvious error by admitting the notice of revocation and notice of extended revocation because the notices identify the convictions forming the bases of the revocations. Because Soucy objected only to the admission of the driving history and affirmatively agreed to the admission of the notices, we conclude that the issue has been waived for

appellate review.¹ *See State v. Rega*, 2005 ME 5, ¶ 17, 863 A.2d 917 (“When a party affirmatively agrees to a court action, that party has failed to preserve the action for appellate review.”).

The entry is:

Judgment affirmed.

Tyler J. Smith, Esq., Libby O’Brien Kingsley & Champion, LLC, Kennebunk, for appellant Timmy J. Soucy

Todd R. Collins, District Attorney, and Ian Anderson, Asst. Dist. Atty., 8th Prosecutorial District, Houlton, for appellee State of Maine

Aroostook County Unified Criminal Docket docket number CR-2023-20335
FOR CLERK REFERENCE ONLY

¹ Even if we were to consider the issue, we would conclude that the trial court did not err by admitting the notice of revocation and notice of extended revocation. *See* 29-A M.R.S. § 2482(2)(A) (2025); M.R. Evid. 403, 404; *see also State v. Garcia*, 2014 ME 150, ¶¶ 5-6, 18, 106 A.3d 1137.