

STATE OF MAINE

v.

DANIEL McALLISTER

Submitted on Briefs November 8, 2000
Decided December 6, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Daniel McAllister appeals judgments of conviction entered in the Superior Court (Cumberland County, *Fritzsche, J.*) following a jury trial at which he was convicted of operating under the influence (Class C), 29-A M.R.S.A. § 2411(1) (1996); operating after an habitual offender revocation (Class C), 29-A M.R.S.A. § 2557 (1996); eluding an officer (Class C), 29-A M.R.S.A. § 2414(3) (1996); reckless conduct with a dangerous weapon (Class C), 17-A M.R.S.A. § 211(1) (1983); and passing a roadblock (Class C), 29-A M.R.S.A. § 2414(4) (1996).

Contrary to McAllister's contentions (1) the evidence presented is sufficient to allow a jury to rationally determine beyond a reasonable doubt that he committed the offenses of which he was convicted;¹ *State v. Gray*, 2000 ME 145, ¶¶ 2, 27, 755 A.2d 540, 542, 546; and the court correctly denied his motion for a judgment of acquittal; (2) the court neither erred

1. McAllister does not challenge the sufficiency of the evidence on the charge of operating after an habitual offender revocation.

nor acted beyond its discretion when it excluded evidence regarding police roadblock protocol; *State v. Stoddard*, 1997 ME 114, ¶ 12, 696 A.2d 423, 427; and (3) the court acted within its discretion when it denied McAllister's motion for a mistrial based on statements made by witnesses regarding McAllister's prior involvement with law enforcement; *State v. Cochran*, 2000 ME 78, ¶ 28, 749 A.2d 1274, 1281.

The entry is:

Judgments affirmed.

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