

STATE OF MAINE

v.

LORRAINE VITALE

Submitted on Briefs January 28, 2000
Decided February 10, 2000

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

MEMORANDUM OF DECISION

Lorraine Vitale appeals from the judgment entered in the Superior Court (Kennebec County, *Mills, J.*) on a jury verdict finding her guilty of feloniously operating a vehicle while under the influence of alcohol, in violation of 29-A M.R.S.A. § 2411 (1995 & Supp. 1996). Contrary to Vitale's assertions, the Superior Court (Kennebec County, *Alexander, J.*) did not commit error when it concluded that statements she made to a police officer during the on-the-scene investigation of her auto accident were not made in the course of a custodial interrogation and, consequently, denied her motion to suppress the statements. *See State v. Michaud*, 1998 ME 251, ¶¶ 3, 4, 724 A.2d 1222, 1226; *State v. Lewry*, 550 A.2d 64, 65 (Me. 1988). In addition, there was sufficient evidence at trial from which the jury rationally could have found beyond a reasonable doubt that the State proved every element of the offense of which Vitale was charged. *See State v. Davis*, 1997 ME 115, ¶ 7, 695 A.2d 1183, 1184.

The entry is:

Judgment affirmed.

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