

STATE OF MAINE
v.

DANIEL BALLARD

Submitted on Briefs March 29, 2000
Decided April 18, 2000

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

MEMORANDUM OF DECISION

Daniel Ballard appeals from a judgment of conviction entered after a jury trial in the Superior Court (Cumberland County, *Cole, J.*) on charges of operating under the influence, Class C, and operating after revocation as an habitual offender, Class C. *See* 29-A M.R.S.A. §§ 2411(1) (1996) and 2557 (1996 & Supp. 1999). Contrary to Ballard's contention, the motion court (*Warren, J.*) did not err in denying his motion to suppress and concluding that he was not subject to a custodial interrogation when he was asked at the scene of the motor vehicle accident by the investigating officer if he was the driver. *See State v. Petersen*, 268 A.2d 482, 484 (Me. 1970). Furthermore, the court did not err in refusing to exclude the results of a breath test even though the state trooper failed to warn Ballard of the consequences of refusing a test. *See* 29-A M.R.S.A. § 2521(4) (1996).

The entry is:

Judgment affirmed.

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