

STATE OF MAINE

v.

NEHEMIAH CAVER

Submitted on Briefs October 15, 2001

Decided November 7, 2001

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

#### MEMORANDUM OF DECISION

Nehemiah Caver appeals from a judgment entered in the District Court (Augusta, *Perry, J.*) following an adjudication that he committed a traffic infraction, 29-A M.R.S.A. § 2073(3) (1996 & Supp. 2000), by traveling in excess of the posted speed limit. Contrary to Caver's contentions, the court's factual findings are not "clearly erroneous," *Tibbetts v. Tibbetts*, 2000 ME 210, ¶ 6, 762 A.2d 937, 939, and "by any reasonable view of the evidence, including inferences to be drawn therefrom, taken in the light most favorable to the prevailing party," there is sufficient evidence to sustain the verdict. *Bernier v. Merrill Air Eng'rs*, 2001 ME 17, ¶ 20, 770 A.2d 97, 104; *see State v. Black*, 2000 ME 211, ¶ 17, 763 A.2d 109, 113 (the District Court is best positioned to "reconcile conflicting testimony, determine its relative weight, and decide which part of the testimony was credible and worthy of belief").

The entry is:

Judgment affirmed.

Attorneys for State:

David W. Crook, District Attorney  
Brent A. Davis, Asst. Dist. Atty.  
95 State Street  
Augusta, ME 04330

For defendant:

Nehemiah Caver  
P O Box 635  
Brewer, ME 04412