

STATE OF MAINE

v.

DOUGLAS R. RUSH

Submitted on Briefs September 19, 2001  
Decided September 20, 2001

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

MEMORANDUM OF DECISION

Douglas R. Rush appeals from the judgment of conviction entered in the District Court (Presque Isle, *Griffiths, J.*) finding him guilty of operating a motor vehicle while having a blood-alcohol level of .08% or more (Class D) in violation of 29-A M.R.S.A. § 2411(1) (1996 & Supp. 2000). Contrary to Rush's contentions, the administration of the intoxilyzer test forty-five minutes after he was stopped did not produce an inaccurate indicator of his blood alcohol level at the time of the stop. *See State v. Brown*, 488 A.2d 939 (Me. 1985) (finding no error or prejudice in a two hour delay in administration of "balloon" test); *State v. McMahon*, 557 A.2d 1324 (Me. 1989) (finding 30 minute lapse of time irrelevant). Rush's failure to support the remainder of the issues he notes in his brief constitutes a waiver thereof. *State v. Babcock*, 361 A.2d 911, 913 n.1 (Me. 1976) (holding that, though appellant's points on appeal list other issues, his failure to brief or argue them constitutes a waiver of those issues).

The entry is:

Judgment affirmed.

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