

Decision: 2003 ME 94

Docket: Cum-02-614

Submitted

On Briefs: June 26, 2003

Decided: July 21, 2003

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

STATE OF MAINE

v.

LEE CURTIS

DANA, J.

[¶1] Lee Curtis appeals from the judgment of the District Court (Portland, *Beaudoin, J.*) convicting him of one count of operating under the influence (Class D) in violation of 29-A M.R.S.A. § 2411(1) (1996). Curtis contends that the court erred in (1) denying him an involuntary intoxication defense; and (2) denying a de minimis dismissal. Finding no error, we affirm the judgment.

[¶2] Curtis claimed that his impairment – evidenced by erratic driving, slurred speech, unsteadiness, sluggish movements, and poor balance – was the result of consumption not of cannabis or alcohol, but of three prescription medications. Although he contends that he suffered from involuntary intoxication because he “had no idea” that the medication might affect his driving, he admits

that he was aware of the warning on all three medicine bottles to “use caution when operating a car.”

[¶3] Because OUI is not a crime requiring any specific intent, *any* intent defense is unavailing. *See* 29-A M.R.S.A. § 2411(1) (1996). Thus, whether or not Curtis’s intoxication was involuntary is irrelevant to the determination of whether he violated the statute. *See State v. West*, 416 A.2d 5, 6-8 (Me. 1980).

[¶4] Further, because Curtis’s OUI was not a de minimis infraction under the statute, *see* 17-A M.R.S.A. § 12(1) (1983), the court did not abuse its discretion in refusing to dismiss on de minimis grounds when Curtis intentionally consumed the drugs despite having been warned about driving after consumption. *Compare State v. Kargar*, 679 A.2d 81, 84, 86 (Me. 1996) (articulating the factors appropriate for a de minimis analysis but vacating the defendant’s convictions because “the Legislature did not envision the extenuating circumstances present in [that] case”).

The entry is:

Judgment affirmed.

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