Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-188

NOVEMBER TERM, 2006

State of Vermont	}	APPEALED FROM:
	}	
v.	}	District Court of Vermont,
	}	Unit No. 2, Addison Circuit
Timothy LaFlam	}	
	}	DOCKET NO. 397-8-05 Ancr

Trial Judge: Matthew I. Katz

In the above-entitled cause, the Clerk will enter:

Defendant Timothy LaFlam appeals from his conviction, after a jury trial, of driving with a suspended license. He argues that the trial court erred in denying his motion for judgment of acquittal because there was insufficient evidence to establish his guilt. We affirm.

The evidence amply supports defendant=s conviction here. See State v. Carrasquillo, 173 Vt. 557, 559 (2002) (mem.) (on review of trial court=s denial of motion for judgment of acquittal, Supreme Court must determine if the evidence, viewed in the light most favorable to the State, fairly and reasonably tends to establish defendant=s guilt beyond a reasonable doubt). To establish defendant=s guilt, the State needed to show that defendant operated or attempted to operate a motor vehicle on a public highway while his driving privileges were suspended. 23 V.S.A. ' 674(a). It was undisputed that defendant=s driving privileges were suspended. The arresting officer testified at trial that he observed a van parked on the side of the road with its engine running. A man exited from the driver=s side of

the vehicle and identified himself as defendant. Defendant informed the officer that he was alone and that he had driven the van to the site to take his dog for a walk. Certainly, the jury could reasonably conclude from this evidence that defendant violated ' 674(a). See State v. Paradis, 146 Vt. 345, 347 (proof of facts includes reasonable inferences properly drawn therefrom). We thus find no error in the trial court=s denial of defendant=s motion for judgment of acquittal.

Affirmed.

BY THE COURT:

_____

Denise R. Johnson, Associate Justice

_____

Marilyn S. Skoglund, Associate Justice

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Brian L. Burgess, Associate Justice