

STATE OF MAINE  
Androscoggin, ss.

SUPERIOR COURT  
Civil Action  
Docket No. AP-00-27

RECEIVED & FILED TED-AND-3/20/2001

STATE OF MAINE,  
Appellee

MAR 20 2001  
ANDROSCOGGIN  
SUPERIOR COURT

v.

DECISION AND ORDER  
ON APPEAL

DANIEL R. LABONTE,  
Defendant / Appellant

In the District Court (Lewiston, Beliveau, J.), the defendant was adjudicated to have committed the offense of failing to stop for a red light, 29-A M.R.S.A. § 2057, and a fine was assessed. Mr. LaBonte appealed.

An appeal of an adjudication on a motor vehicle civil violation is on questions of law only. M.R.Civ.P., 80F(j) and 76D. The appeal "shall be determined by the Superior Court . . . on the record on appeal specified in Rule 76F." M.R.Civ.P., 76D.

After receipt of the file in Superior Court the clerk notified the parties that briefs on the legal issues were due by specified dates. Mr. LaBonte filed a letter with his statement of the evidence, a picture and diagrams that the court assumes are intended as exhibits. No transcript of the District Court hearing was provided. At most, the court can consider the defendant's submissions as a statement of the proceedings in lieu of a transcript pursuant to M.R.Civ.P. 76F(c); however, there is no indication that it was submitted to the State for an opportunity to object or propose an amendment as provided by the rule.

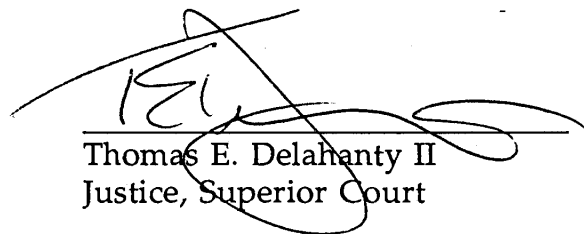
Notwithstanding the infirmities in the record, the defendant's submissions do not address any error of law on the part of the District Court judge but only present factual issues that are not to be considered on appeal.

The entry will be:

1. Appeal denied.
2. Case is remanded to the District Court for entry of final judgment.

So Ordered

March 20, 2001



Thomas E. Delahanty II  
Justice, Superior Court