

STATE OF MAINE  
CUMBERLAND, ss

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CLERK'S OFFICE

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SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-00-055  
NM - CUM - 1/4/2001

CITY OF PORTLAND,

Appellee

vs.

DECISION AND ORDER

TAYA ARNOLD,

Appellant

The defendant appeals the denial by the District Court of the defendant's motion for findings and motion for a new trial. For the following reasons, the appeal is denied.

The court agrees with the appellee that a record of the District Court proceeding is necessary to determine the issue with regard to a new trial. See M.R. Civ. P. 76F.<sup>1</sup>

The defendant argues that she was not aware that the complaint against her involved a 3/6/00 incident until a witness testified at trial. She believed until the date of trial that the complaint concerned an incident which happened in May or June, 1999. The summons and complaint make clear that the date of the alleged offense was 3/6/00. The defendant has failed to show that evidence from Mr. Picard could not have been discovered before trial. See State v. Sheldon, 2000 ME 193, ¶ 7, 760 A.2d 1083, 1084-85.

Because no electronic recording was made of the hearing in the District Court, the District Court Judge did not err in denying the defendant's motion for findings of fact. See M.R. Civ. P. 52(a).

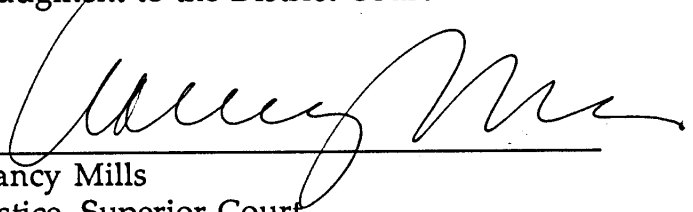
The entry is

The Defendant's Appeal is DENIED.

The Decision of the District Court is AFFIRMED.

The case is remanded for entry of judgment to the District Court.

Dated: January 2, 2001

  
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Nancy Mills  
Justice, Superior Court

Date Filed 06-19-00

CUMBERLAND

County

Docket No. AP 00-055

Action APPEAL FROM DISTRICT COURT - ORDINANCE VIOLATION

CITY OF PORTLAND

TAYA ARNOLD

vs.

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