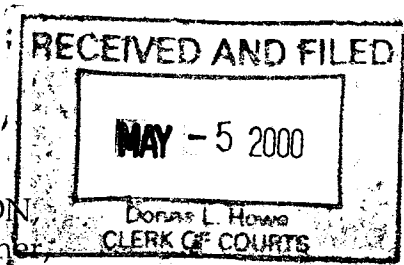


STATE OF MAINE  
OXFORD, SS.



SUPERIOR COURT  
CIVIL ACTION  
Docket No. AP-99-15

EAG - OXF - 5/5/2000

DONALD L. GARBRECHT  
LAW LIBRARY

MATHEW S. WILSON,  
Petitioner,

v.

DECISION AND JUDGMENT

MAY 9 2000

SECRETARY OF STATE,  
Respondent.

As a result of a number of convictions for the crime of operating after suspension, Mathew Wilson was declared to be a habitual offender by the Office of the Secretary of State. That declaration included a suspension of Mr. Wilson's license to operate motor vehicles. Mr. Wilson requested a hearing to contest that revocation, and that hearing was held on October 19, 1999. The hearing officer found that Mr. Wilson's driving record did "fall within the definitional section of Title 29-A M.R.S.A. § 2551." Mr. Wilson appealed that decision by filing a petition for review of final agency action on December 14, 1999.

At the hearing on May 5, 2000, Mr. Wilson was represented by Alan J. Perry, Esq., and the State was represented by AAG Joseph Wannamacher.

Mr. Wilson's assertion here and before the administrative body is that he did not know that his convictions for operating under suspension would lead to a determination that he was a habitual offender. After the hearing in October 1999, the hearing officer prepared a clear and comprehensive review of the facts presented by this case. Having had an opportunity to review the presentations by the parties, the court is satisfied that the hearing officer's findings were well-supported by the facts.

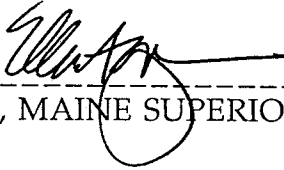
While the court agrees that the State made some errors (the misspelling of Mr. Wilson's first name, and the consequent reinstatement of that person's license), Mr. Wilson knew, or should have known, after he was arrested for operating after suspension, again, in 1997, that his license was under suspension.

The court finds that the hearing officer correctly determined that Mr. Wilson's driving record should result in the revocation of his license pursuant to 29-A M.R.S.A. § 2551.

Based upon the record provided, and the arguments of counsel, the court affirms the decision of the Secretary of State, and sustains its administrative action.

The Clerk may incorporate this Decision and Judgment upon the docket by reference.

Dated: May 5, 2000

  
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JUSTICE, MAINE SUPERIOR COURT