

STATE OF MAINE

v.

GARY E. MANUEL

Submitted on Briefs April 28, 2011  
Decided May 24, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,  
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Gary E. Manuel appeals from the judgment of the Unified Criminal Docket (Bangor, *Anderson, J.*) entered on a jury verdict convicting him of operating without a license (Class E), 29-A M.R.S. § 1251(1)(A) (2010). Contrary to Manuel's contentions, the record reflects that: (1) the jury was properly sworn; (2) the court did not abuse its discretion in permitting the State to amend the summons and complaint in a way that did not change the nature of the offense or the issues in the case, pursuant to U.C.D.R.P.-Bangor 3(d);<sup>1</sup> (3) the court did not err in refusing

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<sup>1</sup> Unified Criminal Docket Rule of Procedure for Bangor 3(d) states:

**(d) Amendment of Complaint.** The attorney for the state may amend a complaint as a matter of right at any time prior to completion of the defendant's initial appearance pursuant to Rule 5 of these rules.

The court may permit a complaint to be amended at any time before verdict or finding if no additional or different crime is charged and if substantial rights of the defendant are not prejudiced.

Unless the statutory class for the principal crime would be elevated thereby, amendment of a complaint for purposes of 17-A M.R.S. § 9-A(1) may be made as of

to allow Manuel to videotape the proceedings; (4) the court properly admitted a certified copy of Manuel's Pennsylvania driving record, which demonstrated that he was under suspension in Pennsylvania and eligible for reinstatement of his driving privileges, but that he had not complied with the conditions to restore his operating privileges, *see State v. Tayman*, 2008 ME 177, ¶¶ 10-11, 960 A.2d 1151, 1155; (5) the court properly excluded, as irrelevant, a letter from a United States Senator advising Manuel of the steps he needed to take to restore his operating privileges, M.R. Evid. 401, 402; (6) the evidence presented to the jury was sufficient to support Manuel's conviction beyond a reasonable doubt, *State v. Medeiros*, 2010 ME 47, ¶ 16, 997 A.2d 95, 99; and (7) the jury was properly instructed regarding the evidence.

The entry is:

Judgment affirmed.

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right by the attorney for the state at any time prior to the imposition of sentence on the principal crime

U.C.D.R.P.-Bangor 3(d).

Maine Rule of Criminal Procedure 3(d) differs from the applicable local rule in only one way, which is italicized below, and which does not affect the holding in this case:

**(d) Amendment of Complaint.** The attorney for the state may amend a complaint as a matter of right at any time prior to completion of the defendant's initial appearance pursuant to Rule 5 *or* 5C of these rules.

The court may permit a complaint to be amended at any time before verdict or finding if no additional or different crime is charged and if substantial rights of the defendant are not prejudiced.

Unless the statutory class for the principal crime would be elevated thereby, amendment of a complaint for purposes of 17-A M.R.S. § 9-A(1) may be made as of right by the attorney for the state at any time prior to the imposition of sentence on the principal crime.

(Emphasis added.)

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Bangor Unified Criminal Docket docket number CR-2010-784  
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