

STATE OF MAINE

v.

ALEXANDER LAPIERRE

Argued January 9, 2020  
Decided January 21, 2020

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

MEMORANDUM OF DECISION

Alexander Lapierre appeals from a judgment of conviction of operating after habitual offender revocation (Class C) entered by the trial court (Kennebec County, *Wheeler, J.*) following a jury trial. 29-A M.R.S. § 2557-A(2)(B) (2018). On appeal, Lapierre argues for the first time that his due process rights were violated when he did not receive a formal arraignment. *See* M.R.U. Crim. P. 10. Lapierre received a full and fair jury trial and we discern no obvious error. *See State v. Mayberry*, 1997 ME 9, ¶ 6, 687 A.2d 966 (“[U]nless a defendant can show prejudice, a failure to comply with the arraignment procedure does not mean that a conviction must be vacated.”); *see also State v. Hall*, 2017 ME 210, ¶ 25, 172 A.3d 467; M.R.U. Crim. P. 52(b).

Prior to trial, Lapierre sought to suppress evidence on the grounds that it was obtained (1) in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966), and (2) from an unlawful extraterritorial arrest. The trial court (*Mullen, J.*) granted the motion in part, ordering suppression of all evidence obtained in violation of *Miranda*. Lapierre contends that the trial court erred by denying the motion to suppress evidence that, he alleges, was obtained from an unlawful

extraterritorial arrest. We need not address this argument, however, because any evidence Lapierre sought to suppress was either excluded when the court granted suppression in part, or was simply not introduced or admitted at trial. *See* M.R.U. Crim. P. 52(a).

The entry is:

Judgment affirmed.

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Brad C. Grant, Esq. (orally), Ferris, Gurney, Grant & Crook PA, Waterville, for appellant Alexander Lapierre

Maeghan Maloney, District Attorney, and James S. Cahan, Asst. Dist. Atty. (orally), Prosecutorial District IV, Augusta, for appellee State of Maine

Kennebec County Unified Criminal Docket docket number CR-2018-2041  
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