

STATE OF MAINE

v.

PRESCOTT MCCURDY

Submitted on Briefs May 4, 2020

Decided May 12, 2020

Panel: MEAD, GORMAN, JABAR, and CONNORS, JJ., and HJELM, A.R.J.

#### MEMORANDUM OF DECISION

Prescott McCurdy appeals from a judgment of conviction of operating an unregistered vehicle (Class E), 29-A M.R.S. § 351(1)(B) (2020), entered by the court (Cumberland County, *J. French, J.*) after a jury trial. Contrary to McCurdy's contentions, (1) the State had standing to charge McCurdy by complaint with the crime of operating an unregistered vehicle, *see id.*; *see also* 15 M.R.S. § 708 (2020); M.R.U. Crim. P. 3; (2) section 351(1)(B) does not impair the constitutional right to travel, *see State v. Pelletier*, 2015 ME 129, ¶¶ 6-7, 125 A.3d 354, or violate principles of substantive or procedural due process, *see Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *LeGrand v. York Cty. Judge of Prob.*, 2017 ME 167, ¶ 38, 168 A.3d 783; (3) the excise tax that must be paid at registration is authorized by the Maine Constitution and state statute, *see* Me. Const. art. IX, § 8; 36 M.R.S. § 1482(1)(C) (2020); (4) it is "frivolous and contumacious" for McCurdy to suggest that requiring a vehicle owner to pay an excise tax amounts to involuntary servitude pursuant to the Thirteenth Amendment to the United States Constitution, which outlaws slavery, *Fox v. Fox*, 2019 ME 163, ¶ 12, 221 A.3d 126; (5) the court did not abuse its discretion in excluding from evidence McCurdy's compilations of legal quotations because the compilations did not make any fact at issue more or less probable, *see*

M.R. Evid. 401, 402; *State v. Haji-Hassan*, 2018 ME 42, ¶ 13, 182 A.3d 145; (6) the court appropriately rejected the same compilations as jury instructions because they did not state the applicable law correctly and were misleading or confusing, and the instructions that the court gave were accurate and complete, *see State v. Hall*, 2019 ME 126, ¶ 26, 214 A.3d 19; and (7) the court did not violate due process by denying McCurdy's meritless motion for a new trial, *see State v. Reeves*, 499 A.2d 130, 137 (Me. 1985).

The entry is:

Judgment affirmed.

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Prescott McCurdy, appellant pro se

Jonathan Sahrbeck, District Attorney, Kevin G. Moynihan, Asst. Dist. Atty., and Rosemarie Guimaraes, Stud. Atty., Cumberland County District Attorney's Office, Portland, for appellee State of Maine