

STATE OF MAINE

v.

KEVIN DENNIS

Submitted on Briefs March 14, 2003
Decided March 31, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
and LEVY, JJ.

MEMORANDUM OF DECISION

Kevin Dennis appeals from a default judgment entered by the District Court (Farmington, *Mullen, D.C.J.*) adjudicating him to have committed the civil violation of illegal transportation of liquor by a minor, 28-A M.R.S.A. § 2052 (Supp. 2002). Dennis' failure to appear at trial justified the entry of a default judgment. *See* M.R. Civ. P. 55(b)(2). The court could not act on Dennis' request for a continuance because it was not received until the day after the hearing and could not set aside the default judgment pursuant to M.R. Civ. P. 55(c) and 60(b) because Dennis never asked it to. The failure to comply with the affidavit requirement of M.R. Civ. P. 55(b)(4) caused no prejudice to Dennis.

The entry is:

Judgment affirmed.

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For the defendant:

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