

STATE OF MAINE

v.

PAUL A. MARCHIONDA

Submitted on Briefs January 22, 2004

Decided January 26, 2004

Panel: CLIFFORD, RUDMAN, DANA, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Paul A. Marchionda appeals from a judgment entered in the District Court (Violations Bureau, *Alexander, J.*) finding that he committed the traffic infraction of speeding by going 77 miles-per-hour in a 65-mile-per-hour zone. The Uniform Summons and Complaint alleged that the infraction occurred on the “turnpike” in Arundel and incorrectly cited 29-A M.R.S.A. § 2073(3) (1996), which does not govern speed limits on the Maine Turnpike. Contrary to Marchionda’s contention that there is no statutory prohibition for exceeding the speed limit on the turnpike, 29-A M.R.S.A. § 2074(3-A) (Supp. 2003) states that a person who operates a vehicle in excess of 65 miles-per-hour on the turnpike commits a traffic infraction. The incorrect citation of a statute is not grounds for vacating an adjudication unless

(1) the defendant was prejudiced by it, *cf.* M.R. Crim. P. 7(c), or (2) substantial rights of the defendant were affected, M.R. Civ. P. 61. Without a transcript, we are unable to ascertain whether Marchionda was prejudiced or even objected to the incorrect citation, and he has not argued that his substantial rights were affected.

The entry is:

Judgment affirmed.

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