

STATE OF MAINE

v.

ROBERT BRACKETT

Submitted on Briefs June 2, 2005

Decided August 1, 2005

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

MEMORANDUM OF DECISION

Robert Brackett appeals from the judgment of the Violations Bureau (*Goranites, J.*) adjudicating him to have committed the civil violation of operating a motor vehicle without having his seatbelt connected, 29-A M.R.S.A. § 2081(3-A) (Supp. 2004). Brackett contends that the court erred in concluding that section 2081(3-A) applies to vehicle operators and in finding that he did not have his seatbelt connected.

Because the hearing was not recorded, the parties submitted statements of the record on appeal to the District Court pursuant to M.R. App. P. 5(d). After review of the submissions of the parties, the District Court noted that, after evaluating the credibility of the witnesses, it “found that Defendant was not properly secured in his seatbelt.” The court also concluded that “the State’s version of the record is the more accurate.” Because we view the evidence and the record most favorably to the trial court’s fact-findings and cannot, ourselves, engage in an independent review of the facts, *see State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027, we must affirm the trial court’s findings and the judgment in this case.

The entry is:

Judgment affirmed.

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