

STATE OF MAINE

v.

KENNETH D. MARIN

Submitted on Briefs January 10, 2005

Decided January 31, 2005

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

MEMORANDUM OF DECISION

Kenneth D. Marin appeals from a judgment of the District Court (Augusta, *MacMichael, J.*) finding him guilty of speeding in violation of 29-A M.R.S.A. § 2073(3) (1996). Marin argues that the court erred in denying his motion to dismiss, asserting that pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), the State violated his due process rights when it denied him discovery.

Contrary to Marin's contentions, there was no *Brady* violation because *Brady* applies only to criminal cases, *see State v. Ledger*, 444 A.2d 404, 410-11

(Me. 1982); *Missouri ex rel. State Highway Comm'n v. Texaco, Inc.*, 502 S.W.2d 284, 289 (Mo. 1973), and Marin was adjudged to have committed a civil offense, *see* 29-A M.R.S.A. §§ 103(1), 104, 2073(3) (1996). Moreover, the court properly denied Marin's motion to dismiss because M.R. Civ. P. 80F(f) provides that, in traffic infraction cases, "[d]iscovery shall be had only by agreement of the parties or by order of the court on motion for good cause shown," and Marin never moved for discovery.

The entry is:

Judgment affirmed.

Attorneys for State:

Evert N. Fowle, District Attorney
Darrick X. Banda Asst. Dist. Atty.
95 State Street
Augusta, ME 04330

For defendant:

Kenneth D. Marin
147 Young Road
Augusta, ME 04330