

STATE OF MAINE

v.

GABRIEL J. LAPOINTE

Submitted on Briefs September 27, 2007
Decided November 6, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and
MEAD, JJ.

MEMORANDUM OF DECISION

Gabriel J. Lapointe appeals from a judgment of conviction for operating after suspension (Class E), 29-A M.R.S. § 2412-A(1-A)(A) (2006), entered in the District Court (Springvale, *D. Kennedy, J.*) after a bench trial. He contends that: (1) the notice of his license suspension was defective because it failed to comply with statutory requirements; (2) the statutory notice provisions are unconstitutionally vague in violation of due process; and (3) the suspension procedures used in this case violated his due process rights under the United States Constitution.

Contrary to Lapointe's first contention, whether the notice of suspension was defective is irrelevant because non-receipt of notice does not implicate any elements of the crime for which Lapointe was convicted. *See* 29-A M.R.S. § 2412-A(1-A)(A)(5). Furthermore, the statutory notice provision pertaining to the Secretary of State's office is not implicated because Lapointe was charged under 29-A M.R.S. § 2412-A(1-A)(A)(5), rather than section 2482. Additionally, because Lapointe did not raise the constitutional issue at trial, he failed to preserve the issue for appellate review. Finally, because Lapointe did not introduce into evidence the Uniform Summons and Complaint Form, there is no record on which to find a violation of his due process rights.

The entry is:

Judgment affirmed.

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