

RANDAL S. HARR

v.

SECRETARY OF STATE

Submitted on Briefs December 3, 2007
Decided December 13, 2007

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

MEMORANDUM OF DECISION

Randal S. Harr appeals from the judgment of the Superior Court (Kennebec County, *Studstrup, J.*) dismissing his complaint for failure to state a claim upon which relief may be granted pursuant to M.R. Civ. P. 12(b)(6). Before the Superior Court, Harr's primary contention was that the prior administrative suspensions and habitual offender designations ordered by the Secretary of State were violative of the Ex Post Facto and Due Process Clauses of the State and federal Constitutions. U.S. CONST. amend. V; ME. CONST. art. I, §§ 6-A, 11. On appeal, Harr principally contends that the records of the Secretary of State, which

lead to his administrative suspensions and habitual offender designations are inaccurate. Assuming, arguendo, that Horr's claims of the inaccuracy of the Secretary of State's record-keeping were appropriately presented to the Superior Court, the record available to this Court does not demonstrate the inaccuracy that Horr claims existed in the Secretary of State's record-keeping. *See State v. Dill*, 2001 ME 150, ¶ 10 n.5, 783 A.2d 646, 650 (noting that points on appeal regarding documents not provided on appeal are viewed as not preserved).

The entry is:

Judgment affirmed.

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