

STATE OF MAINE

v.

GREGORY C. LUCK

Submitted on Briefs December 20, 2006
Decided January 30, 2007

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

MEMORANDUM OF DECISION

Gregory C. Luck appeals from a judgment entered in the District Court (Biddeford, *Stavros, J.*) following a trial in which the court found that Luck committed the civil traffic infraction of passing on the right where prohibited, pursuant to 29-A M.R.S. § 2070(6) (2006). Luck contends that there was insufficient evidence for the court to find that he committed the infraction and that the State committed discovery violations by not providing him with a copy of the statute he was charged with violating, or with the officer's hand-drawn map of the scene of the accident. To the extent that Luck challenges the sufficiency of the evidence, because he failed to provide the Court with an adequate record on

appeal, we must conclude that there was sufficient evidence presented to the court to support the court's finding that Luck committed the civil infraction. *See State v. Nugent*, 2002 ME 111, ¶ 2, 801 A.2d 1001, 1002. Furthermore, even assuming that Luck may have been entitled to discovery of the items mentioned, there was no discovery violation pursuant to M.R. Civ. P. 80F(h),¹ because the record does not show that Luck ever moved for or was granted an order concerning discovery.

The entry is:

Judgment affirmed.

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For defendant:

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¹ Rule 80F(h) of the Maine Rules of Civil Procedure applies to traffic infraction proceedings and provides: "Discovery shall be had only by agreement of the parties or by order of the court on motion for good cause shown."