

HEATH ST. LOUIS

v.

SECRETARY OF STATE

Argued May 15, 2008

Decided June 26, 2008

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

MEMORANDUM OF DECISION

Heath St. Louis appeals a decision of the Superior Court (Penobscot County, *Cuddy, J.*) affirming a hearing officer's decision to uphold the Secretary of State's suspension of St. Louis's driver's license pursuant to 29-A M.R.S. § 2456 (2007). Contrary to St. Louis's contentions, we conclude that delay and failure to retain evidence did not deny St. Louis due process, *see State v. Bilynsky*, 2007 ME 107, ¶ 41, 932 A.2d 1169, 1177; *Powell v. Sec'y of State*, 614 A.2d 1303, 1307 (Me. 1992) (stating that a license suspension is not quasi-criminal but is a regulatory measure); that delay did not violate 29-A M.R.S. § 2481(2) (2007); and that destruction of evidence did not deny St. Louis his Sixth Amendment right to confrontation, *see State v. Barnes*, 2004 ME 105, ¶ 8, 854 A.2d 208, 210; *Powell*, 614 A.2d at 1307.

The entry is:

Judgment affirmed.

Attorney for Heath St. Louis:

N. Laurence Willey, Esq.
Thomas M. Matzilevich, Esq. (orally)
Willey Law Offices
PO Box 924
Bangor, Maine 04402

Attorneys for the Secretary of State:

G. Steven Rowe, Attorney General
Gwendolyn D. Thomas, Asst. Atty. Gen.
William H. Laubenstein, III, Asst. Atty. Gen.
Christopher Taub, Asst. Atty. Gen. (orally)
Office of Attorney General
Six State House Station
Augusta, Maine 04333-0006