

STATE OF MAINE

v.

DALE T. ACCIAVATTI

Submitted on Briefs April 15, 2009
Decided April 23, 2009

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

MEMORANDUM OF DECISION

Dale T. Acciavatti appeals from a judgment of the District Court (York, *Stavros, J.*) finding that he committed a traffic violation by operating a motor vehicle in excess of the established speed limit. 29-A M.R.S. § 2073(1), (3) (2008).

Acciavatti argues that the court made several errors, arguing among other things, that (1) he was not properly identified as the driver of the vehicle during the trial; (2) the original record showing that the laser was properly calibrated should have been required in lieu of a copy showing only that the laser had been “internally checked”; and (3) the judge interjected during his cross-examination of the trooper and was therefore not impartial.

However, because no transcript, nor specific statement of the evidence in lieu of a transcript, has been provided, “we must assume that the facts found by the court and the discretionary decisions that the court made during the course of its hearing are fully supported by the record.” *Boggs v. Berthiaume*, 2008 ME 169, ¶ 2, 959 A.2d 739, 740; *see* M.R. App. P. 5(d) (procedure for filing a statement in lieu of a transcript).

The entry is:

Judgment affirmed.

Dale Acciavatti, pro se:

Dale Acciavatti
4 Elm Street
Beverly, Massachusetts 01915

The State of Maine did not file a brief.