

STATE OF MAINE

v.

JORDAN A. SMITH

Submitted on Briefs April 29, 2010
Decided May 11, 2010

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

MEMORANDUM OF DECISION

Jordan A. Smith appeals from the judgment of the Violations Bureau (Portland, *Moscowitz, J.*) adjudicating him to have committed the offense of improper passing of a stationary emergency vehicle with emergency lights on, 29-A M.R.S. § 2054(9) (2009). Smith contends that the court committed an error of law in finding that he had committed the offense of improper passing of an emergency vehicle but finding that the State had not proved the also-charged offense of imprudent speed. 29-A M.R.S. § 2074 (2009). The hearing was not recorded. Smith filed a belated attempt to create a record of the proceedings pursuant to M.R. App. P. 5(d). However, the court appropriately declined to rule on this proposed statement and the State's objections to it approximately six months after the hearing. Therefore, the matter is before us as if it was presented without a transcript or record. When an appeal is presented and no transcript or alternative record is provided, pursuant to M.R. App. P. 5(d), we must infer that the record created at the hearing fully supports the trial court's findings, discretionary rulings, and the remedies it orders. *State v. Nugent*, 2002 ME 111, ¶ 2, 801 A.2d 1001, 1002.

The entry is:

Judgment affirmed.

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