

STATE OF MAINE

v.

STEPHEN E. MONAGHAN

Submitted on Briefs July 8, 2010

Decided July 20, 2010

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

MEMORANDUM OF DECISION

Stephen E. Monaghan appeals from the judgment of the Violations Bureau (Portland, *Powers, J.*) finding him to have committed the offense of speeding forty-five miles per hour in a thirty-mile-per-hour zone in violation of 29-A M.R.S. § 2073(3) (2009). Monaghan asserts that: (1) the court violated his procedural and due process rights by permitting the case to be prosecuted by a law enforcement officer rather than an assistant district attorney; (2) the speed limit, as set, was violative of federal guidelines relating to traffic control devices; and (3) there was insufficient evidence that the radar used to clock the speed was working properly or that the speed was properly clocked considering the angle of the road in question. The record supports the court's determination that the evidence was sufficient to support the conviction, that federal guidelines offered by Monaghan were irrelevant to the issue, and that the State could properly prosecute the civil violation through presentation by the arresting officer. *See* 4 M.R.S. § 807(3)(M) (2009); 30-A M.R.S. § 282(2) (2009); *see also State v. Smen*, 2006 ME 40, ¶ 7, 895 A.2d 319, 321.

The entry is:

Judgment affirmed.

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Maine District Court Violations Bureau case number TI-2009-567542  
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