

SUPREME JUDICIAL COURT OF MAINE

State v. Maloney

785 A.2d 699 (Me. 2001) · Decided October 3, 2001

SUMMARY

The Maine Supreme Judicial Court affirmed Dennis Maloney’s conviction for operating a motor vehicle after habitual offender license revocation. The court held that Maloney’s prior guilty plea established actual knowledge of the revocation and that his prior uncounseled misdemeanor conviction could be used to enhance the subsequent offense from a misdemeanor to a felony.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Judicial Court of Maine                                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Alexander, J.; Alexander; Calkins; Clifford; Dana; Rudman; Saufley; Wathen                                                                                                                                                                                                                                                                   |
| JURISDICTION          | Maine                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | October 3, 2001                                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Appeal from a judgment of conviction entered after Maloney's conditional guilty plea to operating a motor vehicle while his license was revoked as a habitual offender. The appeal challenged the denial of motions in limine concerning notice of revocation and use of a prior uncounseled misdemeanor conviction for offense enhancement. |
| STANDARD OF REVIEW    | The opinion does not state a formal standard of review; it reviews the Superior Court's evidentiary and legal rulings for error.                                                                                                                                                                                                             |
| PRECEDENTIAL VALUE    | Published Maine Supreme Judicial Court opinion; precedential.                                                                                                                                                                                                                                                                                |
| PARTIES               | Dennis Maloney v. State                                                                                                                                                                                                                                                                                                                      |

TOPICS

- criminal procedure
- statutory interpretation
- due process
- right to counsel

PRACTICE AREAS

- criminal law
- criminal procedure
- motor vehicle offenses
- constitutional law

## QUESTIONS PRESENTED

1. Whether admission of the 1987 notice of license revocation under 29-A M.R.S.A. § 2557(1)(D) violated due process because the notice may have been issued under a predecessor statute not identified in the current statute.
2. Whether a prior uncounseled but constitutionally valid misdemeanor conviction may be used to enhance a subsequent operating-after-revocation offense from a misdemeanor to a felony.

## HOLDINGS

1. The court did not need to decide whether the 1987 notice was covered by § 2557(1)(D), because Maloney's 1996 charge and guilty plea established his actual knowledge of the revocation under § 2557(1)(C).
2. A prior uncounseled but constitutionally valid misdemeanor conviction may be used to enhance a subsequent offense from a Class D misdemeanor to a Class C felony.

## KEY QUOTATIONS

*“Consequently, the court did not err in allowing Maloney’s prior uncounseled misdemeanor conviction to enhance his charge from a Class D misdemeanor to a Class C felony.”* (785 A.2d at 702)

## FACTUAL BACKGROUND

Maloney's privilege to operate a motor vehicle was revoked as a habitual offender in 1987. In 1996, he pleaded guilty without counsel to a misdemeanor charge of operating after habitual offender revocation and received only a fine. After operating a vehicle in Portland in March 2000, he was charged under Maine's habitual-offender statute, which classified the offense as a Class C felony based on his prior conviction.

## PROCEDURAL HISTORY

Maloney was convicted in 1996 in District Court of operating after habitual offender revocation following a guilty plea without counsel. In 2000, he was indicted in the Superior Court on several charges, including operating as a habitual motor vehicle offender. The Superior Court denied his motion to dismiss and motions in limine, after which he entered a conditional guilty plea to the habitual-offender charge, received a stayed sentence, and appealed.

## DISPOSITION

affirmed

## CASES CITED

- Nichols v. United States, 511 U.S. 738, 114 S. Ct. 1921, 128 L. Ed. 2d 745 (1994)
- State v. Cook, 1998 ME 40, 706 A.2d 603
- State v. Corliss, 1998 ME 36, 706 A.2d 593

