

STATE OF MAINE

v.

JOAN M. DeLUCA

Submitted on Briefs February 25, 2000
Decided March 24, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Joan M. DeLuca appeals from a judgment of the Superior Court (Penobscot County, *Kravchuk, C.J.*) following her conviction by a jury of operating a motor vehicle after revocation of her license as an habitual offender (Class C) in violation of 29-A M.R.S.A. § 2557 (1996 & Supp. 1999). We have repeatedly held that the State need not prove a scienter element with respect to the revocation of a defendant's license in order to show that a defendant has operated a motor vehicle after revocation in violation of the law, *see State v. Lamarre*, 553 A.2d 1260, 1262 (Me. 1989); *State v. Antonsen*, 525 A.2d 1048, 1048 (Me. 1987), and DeLuca's right to due process was not violated in this case by virtue of her conviction in the absence of such a showing, *see Staples v. United States*, 511 U.S. 600, 620 (1994); *United States v. Engler*, 806 F.2d 425, 433-34 (3rd Cir. 1986).¹

1. Nor is the notice provision found in 29-A M.R.S.A. § 2482 (1996 & Supp. 1999) constitutionally infirm. *See Mullane v. Central Hanover Bank and Trust Co.*, 339 U.S. 306, 314 (1950); *State v. Kovtuschenko*, 521 A.2d 718, 720 (Me. 1987).

Additionally, contrary to DeLuca's contentions, the trial court did not abuse its discretion by allowing limited questioning regarding DeLuca's prior convictions that resulted in the suspension of her license on previous occasions, *see State v. DeMass*, 2000 ME 4, ¶ 11, 743 A.2d 233, 235, nor was it clear error to admit that testimony in evidence, *see State v. Napier*, 1998 ME 8, ¶ 5, 704 A.2d 869, 871. Finally, contrary to DeLuca's contention, the court did not err in refusing to give a competing harms instruction. *See State v. Moore*, 577 A.2d 348, 350 (Me. 1990).

The entry is:

Judgment affirmed.

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