

STATE OF MAINE

v.

BRADFORD ROSE

Submitted on Briefs February 28, 2001  
Decided March 8, 2001

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

#### MEMORANDUM OF DECISION

Bradford Rose appeals from the judgment entered on a jury verdict in the Superior Court (Washington County, *Humphrey, J.*) finding him guilty of operating while license suspended or revoked in violation of 29-A M.R.S.A. § 2412-A (Class E) (1996 & Supp. 2000). Contrary to Rose's contentions, his license suspension for operating under the influence and his subsequent criminal prosecution for driving while suspended do not seek redress for the commission of the same offensive conduct; therefore, he was not subjected to double jeopardy. *See State v. O'Connor*, 681 A.2d 475, 477 (Me. 1996). Moreover, a license suspension by the Secretary of State is nonpunitive in nature. *State v. Savard*, 659 A.2d 1265, 1268 (Me. 1995).<sup>1</sup>

The entry is:

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1. To the extent Rose challenges the continuing vitality of the license suspension at issue, the record presented is insufficient for our review.

Judgment affirmed.

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