

THE STATE OF NEW HAMPSHIRE

v.

WALTER J. KOMISAREK, JR.

July 18, 1978

[REDACTED]

*Thomas D. Rath*, attorney general (*Peter W. Heed*, assistant attorney general, orally), for the State.

*Walter J. Komisarek, Jr.*, of Pembroke, by brief *pro se*.

MEMORANDUM OPINION

Defendant was convicted of speeding in the district court and appealed. He was tried by the court and convicted in the superior court and a fine of \$30 was imposed. He appealed to this court and petitioned that because he was without funds that a transcript of the testimony at his trial be supplied by the county. After a hearing, the court found that defendant was financially unable to pay for the transcript but found that the appeal is frivolous and that because speeding is a violation only, he was not entitled to a free transcript.

Speeding is a violation, RSA 262-A:2 and RSA 262-A:54, and not a crime. RSA 651:2 IV. Defendant is not therefore entitled as a matter of right to a free transcript and, in view of the finding that the appeal is frivolous, there was no abuse of discretion in the denial of the petition. *See United States v. MacCollom*, 426 U.S. 317 (1976).

*Exceptions overruled.*

BROCK, J., did not sit.