

STATE OF MAINE
CUMBERLAND, ss.

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CUMBERLAND, SS
CLERK'S OFFICE

SUPERIOR COURT
CRIMINAL ACTION
Docket No. CR-08-1517

WSP - () - 9/11/08

2008 SEP -4 A 10: 52

STATE OF MAINE,

v.

DECISION

JOSEPH BOWSER,

Defendant.

FINDINGS

1. Portland Police Officer Timothy Farris received a dispatch at approximately 1:30 p.m. on May 21, 2008 to the effect that a concerned citizen had reported a white Winnebago swaying all over the road on Congress Street near the Stroudwater section of the city.
2. Officer Farris went to the scene and immediately saw what he thought was a white Winnebago driving all over the road.
3. When the Winnebago reached the crest of the hill and came closer to Officer Farris, he observed that the Winnebago was not on the road but was on an undersized trailer being towed by a truck. The Winnebago and the trailer continued to swerve back and forth.
4. Officer Farris turned to follow the trailer and then immediately activated his blues. The truck and trailer pulled over quickly.
5. Officer Farris observed the trailer and Winnebago shifting back and forth for three to four seconds.
6. The trailer and Winnebago did not straddle the lanes in the time Officer Farris observed it. He still believed it was dangerous because the Winnebago was considerably larger than the trailer on all four sides. The traffic was heavy and

A True Copy
Judy A. Bowser
Clerk of Courts

Officer Farris concluded that a Winnebago shifting all over the road on an undersized trailer was creating a traffic hazard.

7. Officer Farris did not know what dimension a trailer should be in relationship to its load. In his view it was just a matter of common sense that the situation was dangerous.
8. Defendant Joseph Bowser was ultimately charged with a habitual motor vehicle offense and a violation of bail.

DISCUSSION


Defendant Joseph Bowser seeks to suppress evidence because of insufficient reasonable articulable suspicion for the stop.

Traffic safety is a recognized reason for making a stop. The fact that Officer Farris did not know the specific dimension for a safe trailer is not controlling. Officer Farris is a 12-year veteran of police work. His trained eye concluded that in heavy traffic, a Winnebago that was larger than the trailer carrying it and that was swerving dramatically in the road – even though it was not observed crossing lanes – constituted a danger to the public. Officers should be allowed considerable leeway in situations like this. Officer Farris articulated his grounds for stopping defendant and they were reasonable grounds.

The clerk will make the following entry on the docket by reference:

Defendant Joseph Bowser's motion to suppress is denied in all respects.

DATED: September 3, 2008



William S. Brodrick
Justice, Superior Court
Active-Retired

True Copy
Joseph A. Bowser
Superior Court