

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
Docket No. CUMUCD-CR-11-953 ✓

STATE OF MAINE,

v.

ORDER

HARRY S. WATTS,

Defendant.

FINDINGS

1. At 10:30 p.m. on November 30, 2010 Officer Brett Bissonnette, a five year veteran of the Westbrook P.D., was patrolling a car dealership.
2. Officer Bissonnette was inspecting the car dealership because in recent months there had been a rash of thefts of catalytic converters.
3. As he exited the dealership, Officer Bissonnette's headlights illuminated the inside of a car traveling south on Route 302.
4. The passenger in the illuminated car turned completely around to stare at the police car. Thinking this was suspicious, Officer Bissonnette followed the car.
5. As they approached a section of 302 where several dead end roads branched off from 302, Officer Bissonnette observed that the tail lights of the suspect car suddenly blacked out and the car disappeared.
6. Officer Bissonnette drove by the dead end roads and stopped. After a very short wait, the car he had been following emerged from one of the dead end roads and sped up 302.
7. Officer Bissonnette also sped up and stopped the suspect car. He stopped the car for driving on the highway without lights on and because he was suspicious of the conduct of the car's occupants.

8. When Officer Bissonnette asked Defendant Harry Watts why he had driven down the dead end road, Mr. Watts gave a reply about looking for a shortcut that did not make sense.
9. The passenger, a Mr. Staples, was on bail and one of his bail conditions was that he was not to return to Maine Metal Recycling. The officer knew that stolen catalytic converters would be likely to be sold at metal recycling shops.
10. Officer Bissonnette saw a Saws-all in the rear of defendant's vehicle. The officer knew that Saws-alls are used in the theft of catalytic converters.
11. Officer Bissonnette asked Mr. Watts to step out and empty his pockets. Mr. Watts produced a large flashlight.
12. Officer Bissonnette asked Mr. Staples to get out. When Mr. Staples exited the car, the officer noticed a GPS on the floor. The officer asked Mr. Watts why he was lost when he had a GPS. Mr. Watts said he forgot he had the GPS.
13. The officer asked Mr. Watts where he had picked up Mr. Staples. Mr. Watts couldn't remember.
14. Officer Bissonnette received permission from Mr. Watts to take the Saws-all and check whether it had been stolen. There was no record of the Saws-all having been stolen. Mr. Watts said the Saws-all belonged to his dad and he used it when working for his dad.
15. While retrieving the Saws-all from the back seat with Mr. Watts' consent, Officer Bissonnette saw in plain view a section of a catalytic converter that was partially concealed in the cargo section of the vehicle.
16. Officer Bissonnette has had vocational training. Even though the converter was partly concealed, Officer Bissonnette clearly recognized the exposed pipe as a catalytic converter pipe.

DISCUSSION

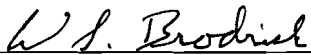
Given the recent history of catalytic converter thefts in the area and the presence of a partially concealed catalytic converter in the cargo space and the presence of the Saws-all, the officer had probable cause to seize the converter.

The detention prior to the seizure was no longer than 15 to 20 minutes. Given the history of recent converter thefts in the area, the suspicious conduct of Mr. Watts and Mr. Staples prior to the stop, and the presence of the Saws-all, Officer Bissonnette would have been remiss not to question the two men. The detention was not unreasonably long under the circumstances.

By reference, the clerk shall make the following entry:

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

DATED: June 30, 2011



William S. Brodrick
Justice, Superior Court, Active Retired

DOCKET RECORD

DOB: 04/04/1989

Attorney: MATTHEW NICHOLS
NICHOLS WEBB & LORANGER PA
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PORTLAND ME 04101
RETAINED 02/24/2011

State's Attorney: STEPHANIE ANDERSON

Filing Document: INDICTMENT
Filing Date: 02/10/2011

Major Case Type: FELONY (CLASS A,B,C)

Charge(s)

1	THEFT BY UNAUTHORIZED TAKING OR TRANSFER	11/30/2010	WINDHAM
Seq 8427	17-A 353(1)(B)(4) Class C		
WILLIAMS	/ WND		
2	CRIMINAL MISCHIEF	11/30/2010	WINDHAM
Seq 4959	17-A 806(1)(A) Class D		
WILLIAMS	/ WND		

Docket Events:

02/11/2011 FILING DOCUMENT - INDICTMENT FILED ON 02/10/2011

02/11/2011 BAIL BOND - \$1,000.00 CASH BAIL BOND SET BY COURT ON 02/10/2011
ROLAND A COLE , JUSTICE
OR \$10,000SS WITH CONDITIONS

02/11/2011 Charge(s): 1,2
WARRANT - ON COMP/INDICTMENT REQUESTED ON 02/10/2011

02/11/2011 Charge(s): 1,2
WARRANT - ON COMP/INDICTMENT ORDERED ON 02/10/2011
ROLAND A COLE , JUSTICE

02/11/2011 Charge(s): 1,2
WARRANT - ON COMP/INDICTMENT ISSUED ON 02/10/2011
JAMES TURCOTTE , ASSISTANT CLERK
CERTIFIED COPY TO WARRANT REPOSITORY

02/11/2011 OTHER FILING - NOTICE OF JOINDER FILED BY STATE ON 02/10/2011
JAMES TURCOTTE , ASSISTANT CLERK
JOINED WITH STAPLES 11-951

02/22/2011 Charge(s): 1,2
WARRANT - ON COMP/INDICTMENT RECALLED ON 02/22/2011

CERTIFIED COPY TO WARRANT REPOSITORY W/ DOREEN - DISPATCH

02/22/2011 Charge(s): 1,2
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 02/18/2011

02/22/2011 BAIL BOND - \$1,000.00 CASH BAIL BOND SET BY COURT ON 02/18/2011
THOMAS D WARREN , JUSTICE
CONCURRENT WITH 10 8649 11 1042 10 8680 AND 11 599 WITH CONDITIONS.

02/22/2011 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 05/19/2011 at 01:00 p.m. in Room No. 7

02/22/2011 TRIAL - JURY TRIAL SCHEDULED FOR 06/13/2011 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

02/24/2011 Party(s): HARRY S WATTS IV

ATTORNEY - RETAINED ENTERED ON 02/24/2011

Attorney: MATTHEW NICHOLS

02/25/2011 BAIL BOND - \$1,000.00 CASH BAIL BOND FILED ON 02/22/2011

Bail Receipt Type: CR

Bail Amt: \$1,000

Receipt Type: CK

Date Bailed: 02/18/2011 Prvdr Name: CHARLEAN ALLEN

Rtrn Name: CHARLEAN ALLEN

7/17/65 682

PRIMARY FOR CC 11-1042, 10-8649, 10-8680 AND 11-599

02/25/2011 BAIL BOND - CASH BAIL BOND HOLD FOR OTHER COURT ON 02/25/2011

BAIL IS CONCURRENT TO CUMCDCR201008649 HAVING BAIL ID FKF185

Date Bailed: 02/18/2011

7/17/65 682

PRIMARY FOR CC 11-1042, 10-8649, 10-8680 AND 11-599

03/08/2011 Charge(s): 1,2

WARRANT - ON COMP/INDICTMENT EXECUTED ON 02/22/2011

03/08/2011 Charge(s): 1,2

WARRANT - ON COMP/INDICTMENT RETURNED ON 03/08/2011

05/05/2011 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 05/05/2011

05/19/2011 HEARING - DISPOSITIONAL CONFERENCE HELD ON 05/19/2011

ROLAND A COLE , JUSTICE

Attorney: MATTHEW NICHOLS

DA: MICHAEL MADIGAN

MOTIONS TO BE FILED AND SET 5/24.

05/19/2011 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 05/19/2011

05/19/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 05/24/2011 at 01:00 p.m. in Room No. 8

NOTICE TO PARTIES/COUNSEL

05/23/2011 HEARING - MOTION TO SUPPRESS CONTINUED ON 05/23/2011

ROLAND A COLE , JUSTICE

05/24/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 06/28/2011 at 01:00 p.m. in Room No. 8

NOTICE TO PARTIES/COUNSEL

05/24/2011 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 05/24/2011

05/24/2011 TRIAL - JURY TRIAL CONTINUED ON 05/24/2011

ROLAND A COLE , JUSTICE

05/24/2011 TRIAL - JURY TRIAL SCHEDULED FOR 07/11/2011 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

05/24/2011 TRIAL - JURY TRIAL NOTICE SENT ON 05/24/2011

07/07/2011 ORDER - COURT ORDER FILED ON 06/30/2011

WILLIAM BRODRICK , JUSTICE

DEFENDANT'S MOTION TO SUPPRESS IS DENIED IN ALL RESPECTS

MOTION - MOTION TO REVOKE BAIL FILED BY STATE ON 06/28/2011

07/07/2011

A TRUE COPY

ATTEST: _____
Clerk