

STATE OF MAINE
CUMBERLAND, ss.

UNIFIED CRIMINAL COURT
PORTLAND

Docket No. CR-12-4808
EMK-CUM-1/7/2013

STATE OF MAINE)
)
v.)
)
MICHELLE ROSE DISTASIO)

ORDER ON MOTION TO SUPPRESS

A hearing was held on Defendant's Motion to Suppress on December 20, 2012. Defendant was present, represented by Attorney Robert LeBrasseur. The State was represented by Paige Streeter.

Defendant seeks to suppress all of the evidence resulting from the stop of her vehicle. She alleges that the stop violated her Fourth Amendment rights because it was effected without the requisite "reasonable articulable suspicion."

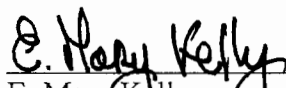
The court heard testimony from Officer Stephen Hinkley, the officer who conducted the stop. He testified that he observed Defendant's vehicle make a right turn while the vehicle's left turn signal was engaged, followed by a left turn made without using any turn signal.

The standard governing automotive stops is well-established: "In order to support a brief investigatory stop of a motor vehicle, such as the stop in this case, a police officer must have an objectively reasonable, articulable suspicion that either criminal conduct, a civil violation, or a threat to public safety has occurred, is occurring, or is about to occur. The officer's suspicion that any of these circumstances exist must be objectively reasonable in the totality of the circumstances." *See, e.g., State v. Porter*, 2008 ME 175, ¶ 8, 960 A.2d 321, 323 (citing *State v. Sylvain*, 2003 ME 5, ¶ 11, 814 A.2d 984, 987).

Applying this standard, the court finds that Defendant's conduct with respect to the vehicle's turn signals gave rise to reasonable articulable suspicion justifying the stop of her vehicle. *Cf. State v. Pinkham*, 565 A.2d 318, 318-19 (Me. 1989) (vacating suppression where officer had reasonable articulable suspicion to pull defendant over after observing defendant pass straight through intersection despite being in right lane marked with right turn directional arrow).

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress is DENIED.

DATED: 1/7/2013



E. Mary Kelly
Unified Criminal Court Judge

STATE OF MAINE

vs

MICHELLE ROSE DISTASIO
2 DANIEL ST
GORHAM ME 04038

Docket No CUMCD-CR-2012-04808

DOCKET RECORD

DOB: 09/26/1973

Attorney: ROBERT LEBRASSEUR

State's Attorney: STEPHANIE ANDERSON

LAW OFFICE OF ROBERT C LEBRASSEUR PC
415 CONGRESS STREET SUITE 202
PORTLAND ME 04101
RETAINED 09/06/2012

Charge(s)

1 OPERATING UNDER THE INFLUENCE 07/15/2012 GORHAM
Seq 11493 29-A 2411(1-A) (A) Class D
HINKLEY / GOR

Docket Events:

07/23/2012 FILING DOCUMENT - NON CASH BAIL BOND FILED ON 07/18/2012

07/23/2012 Charge(s): 1

HEARING - ARRAIGNMENT SCHEDULED FOR 09/12/2012 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

07/23/2012 BAIL BOND - \$2,500.00 UNSECURED BAIL BOND FILED ON 07/18/2012

Bail Amt: \$2,500

Date Bailed: 07/15/2012

682

08/30/2012 Charge(s): 1

SUPPLEMENTAL FILING - COMPLAINT FILED ON 08/28/2012

JAMES TURCOTTE , ASSISTANT CLERK

09/06/2012 Party(s): MICHELLE ROSE DISTASIO

ATTORNEY - RETAINED ENTERED ON 09/06/2012

Attorney: ROBERT LEBRASSEUR

09/12/2012 Charge(s): 1

HEARING - ARRAIGNMENT WAIVED ON 09/12/2012 at 08:30 a.m. in Room No. 1

09/12/2012 Charge(s): 1

PLEA - NOT GUILTY ENTERED BY COUNSEL ON 09/12/2012 at 08:30 a.m. in Room No. 1

09/12/2012 Charge(s): 1

HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 11/06/2012 at 08:30 a.m. in Room No. 7

09/12/2012 Charge(s): 1

TRIAL - JURY TRIAL SCHEDULED FOR 01/14/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

10/24/2012 Charge(s): 1

HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 10/24/2012

JUSTIN WESLEY , ASSISTANT CLERK-E

CR_200

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Printed on: 01/07/2013

11/07/2012 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 11/06/2012 at 12:00 p.m.
JOYCE A WHEELER , JUDGE
Attorney: ROBERT LEBRASSEUR
DA: WILLIAM BARRY
NO AGREEMENT. MOTION TO SUPPRESS TO BE FILED

11/07/2012 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 11/07/2012

Attorney: ROBERT LEBRASSEUR

11/07/2012 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 11/29/2012 at 01:00 p.m.

NOTICE TO PARTIES/COUNSEL

11/07/2012 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 11/07/2012
JUSTIN WESLEY , ASSISTANT CLERK-E

11/20/2012 HEARING - MOTION TO SUPPRESS NOT HELD ON 11/20/2012

MOVED TO 12/6/12 DUE TO OVERCROWDING

11/20/2012 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 12/06/2012 at 01:00 p.m. in Room No. 7

NOTICE TO PARTIES/COUNSEL

11/20/2012 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 11/20/2012

11/30/2012 MOTION - MOTION TO CONTINUE FILED BY STATE ON 11/29/2012

UNOPPOSED MOTION TO CONTINUE 12/6/12 MOTION HEARING.

11/30/2012 MOTION - MOTION TO CONTINUE GRANTED ON 11/30/2012
JOYCE A WHEELER , JUSTICE
COPY TO PARTIES/COUNSEL

11/30/2012 HEARING - MOTION TO SUPPRESS CONTINUED ON 11/30/2012

11/30/2012 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 12/20/2012 at 01:00 p.m.

NOTICE TO PARTIES/COUNSEL

11/30/2012 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 11/30/2012

01/07/2013 HEARING - MOTION TO SUPPRESS HELD ON 12/20/2012
THOMAS D WARREN , JUSTICE

01/07/2013 MOTION - MOTION TO SUPPRESS DENIED ON 01/07/2013
MARY KELLY , JUDGE
COPY TO PARTIES/COUNSEL

01/07/2013 ORDER - COURT ORDER FILED ON 01/07/2013
MARY KELLY , JUDGE
IT IS HEREBY ORDERED THAT THE DEFENDANT'S MOTION TO SUPPRESS IS DENIED

A TRUE COPY

ATTEST: _____

Clerk