

STATE OF MAINE
CUMBERLAND, ss.

CLERK'S OFFICE

UNIFIED CRIMINAL DOCKET
CUMCD-CR-13-491

WSB-CUM-7/29/2013

2013 JUL 29 A 9:31

STATE OF MAINE,

v.

JAMIE L. GREEN,

Defendant.

FINDINGS

1. On December 29, 2012 in Portland, Sgt. Eric Nevins was driving his cruiser on Commercial Street at 12:47 in the morning. He observed defendant Jamie Green driving straight at him on the wrong side of the divider that controls the flow of traffic between the Casco Bay Ferry Terminal and the Maine State Pier at the Franklin Arterial Extension. Sgt. Nevins, because of his 15 years experience as a Portland police officer, knew that Ms. Green was traveling in the wrong direction on a divided road.
2. Sgt. Nevins activated his blue lights and stopped Ms. Green. His purpose was to investigate what was wrong and perhaps get her "going in the right direction."
3. When he started questioning Ms. Green, he noticed her slurred speech and decided he should investigate for a possible O.U.I. His investigation resulted in the current charge.

4. Although there were several white arrows on the road showing the proper flow of traffic, the directional signage was less than perfect. Nevertheless, the cement divider was clearly visible where Ms. Green was driving.


DISCUSSION

Ms. Green objects to the stop. Sgt. Nevins had not only a right but a duty to stop Ms. Green. Regardless of how the area was signed, Sgt. Nevins could not ignore a person driving the wrong way on a clearly divided street. Safety concerns demanded a stop. Also, when a person is driving on the wrong side of a divided road at 12:45 in the morning in an area containing multiple bars, an officer could reasonably suspect that there may well be an O.U.I. in progress.

For the above stated reasons, the clerk, by reference, will make the following entry on the docket:

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

DATED: July 29, 2013



William S. Brodrick
Active-Retired Justice, Superior Court