STATE OF MAINE CUMBERLAND, ss.

UNIFIED CRIMINAL COURT PORTLAND Docket No. CR 2019-2218

STATE OF MAINE

v.

ORDER

SENDAMA J. UWASE,

Defendant

Ms. Uwase has been charged with violation of condition of release by using or possessing alcohol. She was charged after a traffic stop where she was a passenger. She has filed a motion to suppress which has been heard and argued.

The lawful stop on the evening of April 27, 2019 was based on observations of an unsafe turn and erratic driving. The police found no evidence that the driver was under the influence of any substance and there was no evidence in plain view that the driver or any of the passengers had committed or were committing a crime or any infraction.

However, the passengers were asked to produce identification. The defendant voluntarily did so. It was determined that she was on bail, was not to use or possess alcohol and was subject to searches and testing "at any time without articulable suspicion or probable cause". That restriction led to the current charge.

The motion to suppress ultimately asks a single question. Following a legitimate motor vehicle stop, can the police, consistent with constitutional protections, ask a passenger to produce identification? The answer is yes and the motion to suppress must be denied. *See Rodriguez v United States*, 575 U.S._, 135 S. Ct. 1609, 1614 (2015) as to stops and *United States v Chaney*, 584 F. 3d 20, 26 (1* Cir. 2009) as to the passenger. Here the

stop was valid and the request to provide identification did not unreasonably extend the duration of the valid stop.

The entry is:

Motion to suppress is denied.

DATED: 12-18-19

und a truty

Paul A. Fritzsche Unified Criminal Court Judge