

STATE OF MAINE
KENNEBEC, SS.

RECEIVED AND FILED
KENNEBEC SUPERIOR COURT

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-01-147

CMS-KEN-1/29/02

JAN 29 2002

STATE OF MAINE

NANCY DESJARDIN
CLERK OF COURTS

v.

DECISION

ADAM THOMAS

Before this court is a Motion to Suppress filed by the defendant. The defendant is represented by Brian Winchester. The state is represented by Lara Nomani, Assistant Attorney General. A hearing was held on January 8, 2002 in Kennebec County Superior Court.

The defendant alleges in this motion that law enforcement did not have reasonable articulable suspicion of criminal activity to justify a stop of the defendant's vehicle. Furthermore, the defendant asserts that law enforcement did not have probable cause to search the vehicle following an alert by a certified drug detection dog.

After considering all of the evidence, this courts finds that the Defendant's Motion to Suppress should be denied. This court finds that law enforcement did have reasonable articulable suspicion to stop the defendant's vehicle. The standard for reasonable articulable suspicion is a lower threshold than probable cause. The information that the police received from a confidential informant gave them the authority to make a limited stop of the vehicle. It is important to note that no search of the motor vehicle occurred until drug sniffing dogs gave the law enforcement officers additional information. The action of the police officers working with the drug detection dogs gave them sufficient probable cause to search the vehicle following the stop.

The information from the confidential informant was sufficient to satisfy the police officers that they had reasonable articulable suspicion to stop the motor vehicle. The additional

information obtained from the drug detection dogs gave them the probable cause to search the vehicle. U.S. v. Owens, 167 F.3rd 739 (1999); and U.S. v. Quinn 815 F.2d 153, 159 (1 Cir. 1987).

DATED: 1-29-07



Joseph M. Jabar
Justice, Superior Court

STATE OF MAINE
vs
ADAM THOMAS
ROUTE 1
ORLAND ME 04472

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2001-00147

DOCKET RECORD

DOB: 06/29/1966
Attorney: BRIAN WINCHESTER
APPOINTED 06/07/2001

State's Attorney: LARA NOMANI

Filing Document: INDICTMENT
Filing Date: 06/07/2001

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

Charge(s)

1 TRAFFICKING IN PRISON CONTRABAND 03/07/2001 AUGUSTA
17-A 757(1)(A) Class C

2 UNLAWFUL POSSESSION OF SCHEDULED DRUGS 03/07/2001 AUGUSTA
17-A 1107(1) Class D

3 VIOLATING CONDITION OF RELEASE 03/07/2001 AUGUSTA
15 1092 Class E

Docket Events:

06/11/2001 FILING DOCUMENT - INDICTMENT FILED ON 06/07/2001

TRANSFER - BAIL AND PLEADING GRANTED ON 06/07/2001

TRANSFER - BAIL AND PLEADING REQUESTED ON 06/07/2001

06/11/2001 Charge(s): 1,2,3
HEARING - ARRAIGNMENT SCHEDULED FOR 06/15/2001 @ 8:30

06/11/2001 SUMMONS - SUMMONS TO APPEAR FOR ARRAIGN ISSUED FOR 06/19/2001 @ 8:30

06/15/2001 Charge(s): 1,2,3
HEARING - ARRAIGNMENT HELD ON 06/15/2001
DONALD H MARDEN , JUSTICE
Attorney: BRIAN WINCHESTER

DA: LARA NOMANI Reporter: PHILIP GALUCKI

Defendant Present in Court

READING WAIVED. DEFENDANT INFORMED OF CHARGES. COPY OF INDICTMENT/INFORMATION GIVEN TO
DEFENDANT. 30 DAYS TO FILE MOTIONS

06/18/2001 Charge(s): 1,2,3
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 06/15/2001

06/18/2001 BAIL BOND - CONDITIONS OF RELEASE ISSUED ON 06/15/2001

DEFENDANT IS TO NOTIFY THE COURT WITHIN 48 HOURS OF ANY CHANGE OF ADDRESS. SAME BAIL TO
REMAIN AS SET IN THE DISTRICT COURT AND TO TRANSFER.

09/10/2001 TRIAL - JURY SCHEDULED FOR 10/10/2001 @ 9:00

NOTICE TO PARTIES/COUNSEL

10/11/2001 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 10/10/2001

Attorney: BRIAN WINCHESTER

11/27/2001 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 01/08/2002 @ 9:00

NOTICE TO PARTIES/COUNSEL

01/23/2002 OTHER FILING - MEMORANDUM OF LAW FILED ON 01/22/2002

DA: LARA NOMANI

01/30/2002 HEARING - MOTION TO SUPPRESS HELD ON 01/08/2002

JOSEPH M JABAR , JUSTICE

Attorney: BRIAN WINCHESTER

DA: LARA NOMANI

Reporter: PHILIP GALUCKI

COUNSEL ARE TO FILE BRIEFS

01/30/2002 MOTION - MOTION TO SUPPRESS DENIED ON 01/29/2002

JOSEPH M JABAR , JUSTICE

COPY TO PARTIES/COUNSEL

01/30/2002 OTHER FILING - ORDER FILED ON 01/29/2002

COPIES TO PARTIES/COUNSEL DECISION ON MOTION TO SUPPRESS FILED.

A TRUE COPY

ATTEST: _____

Clerk