

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
Criminal Matter
Docket No. CR-2014-524

KEN-DEB-08-13-14

STATE OF MAINE)
)
)
)
)
v.)
)
)
CHRISTOPHER D. BROWN,)
Defendant.)

ORDER ON MOTION TO SUPPRESS

A hearing was held on the Defendant's Motion to Suppress on August 6, 2014. At the conclusion of the hearing, the Defendant conceded that the stop of his vehicle and his subsequent investigatory detention were lawful because the stop and detention were based on reasonable articulable suspicion. The Defendant also conceded that there existed probable cause for his arrest for operating under the influence and criminal speed. The one issue left for determination by the court was whether the questioning of the Defendant concerning his level of intoxication and driving that day constituted custodial interrogation.

In State vs. Griffin, 459 A.2d 1086, 1089, the Law Court held that it is within the reasonable scope of an investigatory stop for an officer to ask the suspect person to come out of his car and join him in the police cruiser to answer questions and that such police request and submission thereto are not to be equated to an arrest. In this case, the Defendant was briefly questioned at roadside outside of any vehicle after the conclusion of the field sobriety tests. Though the officer had probable cause to arrest the Defendant at that time, that information had not been communicated to the Defendant and no formal arrest had been made. The brief pre-arrest questioning did not convert the investigatory stop into a *de facto* arrest and the Defendant was not subjected to custodial interrogation. Therefore, the Defendant's Motion to Suppress is DENIED¹.

Dated: August 13, 2014


JUSTICE, MAINE SUPERIOR COURT

¹ It is not currently before the court as to whether the questions asked and answers given by the Defendant are relevant, pursuant to M.R.E. 402, or should be excluded pursuant to M.R.E. 403.

STATE OF MAINE
vs
CHRISTOPHER D BROWN
1 LORD RD
W. LE ME 04284

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2014-00524

DOCKET RECORD

DOB: 10/04/1985

Attorney: NICHOLAS WORDEN
PARADIE SHERMAN & WORDEN
11 LISBON ST SUITE 202
LEWISTON ME 04240
APPOINTED 05/07/2014

State's Attorney: MAEGHAN MALONEY

Charge(s)

1 OPERATING UNDER THE INFLUENCE 03/16/2014 WAYNE
Seq 11493 29-A 2411(1-A) (A) Class D
BUCKNAM / KEN

2 MOTOR VEHICLE SPEEDING: 30+ MPH OVER SPEED 03/16/2014 WAYNE
LIMIT
Seq 1147 29-A 2074(3) Class E

Docket Events:

05/21/2014 Charge(s): 1,2

TRANSFER - TRANSFER FOR JURY TRIAL EDI ON 05/21/2014 at 04:34 p.m.

TRANSFERRED CASE: SENDING COURT CASEID AUGDCCR201400370
FILING DOCUMENT - CASH BAIL BOND FILED ON 03/17/2014

Charge(s): 1,2

HEARING - ARRAIGNMENT SCHEDULED FOR 05/07/2014 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

Charge(s): 1,2

HEARING - ARRAIGNMENT HELD ON 05/07/2014

BETH DOBSON, JUDGE

DEFENDANT INFORMED OF CHARGES. 21 DAYS TO FILE MOTIONS

BAIL BOND - \$300.00 CASH BAIL BOND FILED ON 03/17/2014

BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 05/21/2014

Charge(s): 1,2

SUPPLEMENTAL FILING - COMPLAINT FILED ON 04/25/2014

MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 05/07/2014

MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 05/07/2014

BETH DOBSON, JUDGE

COPY TO PARTIES/COUNSEL

Charge(s): 1,2

PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 05/07/2014

TRIAL - BENCH SCHEDULED FOR 06/19/2014 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

TRIAL - BENCH NOT HELD ON 05/16/2014

TRIAL - BENCH NOTICE SENT ON 05/13/2014

Party(s): CHRISTOPHER D BROWN

ATTORNEY - APPOINTED ORDERED ON 05/07/2014

Attorney: NICHOLAS WORDEN

Charge(s): 1,2

TRANSFER - TRANSFER FOR JURY TRIAL GRANTED ON 05/21/2014

Charge(s): 1,2

TRANSFER - TRANSFER FOR JURY TRIAL REQUESTED ON 05/16/2014

Charge(s): 1,2

FINDING - TRANSFER FOR JURY TRIAL TRANSFERRED ON 05/21/2014

AUGSC

05/23/2014 Charge(s): 1,2

TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 05/23/2014

AUGDC 14-370

05/23/2014 TRIAL - DOCKET CALL SCHEDULED FOR 08/05/2014 at 03:15 p.m.

0. 3/2014 BAIL BOND - \$300.00 CASH BAIL BOND FILED ON 05/23/2014

Bail Receipt Type: CR

Bail Amt: \$300

Receipt Type: CK

Date Bailed: 03/16/2014

Prvdr Name: DIANA BROWN

Rtrn Name: DIANE BROWN

06/02/2014 MOTION - MOTION FOR ENLARGEMENT OF TIME FILED BY DEFENDANT ON 06/02/2014

06/02/2014 MOTION - MOTION TO SUPPRESS EVIDENCE FILED BY DEFENDANT ON 06/02/2014

06/26/2014 HEARING - MOTION TO SUPPRESS EVIDENCE SCHEDULED FOR 08/05/2014 at 03:15 p.m.

NOTICE TO PARTIES/COUNSEL

07/03/2014 Charge(s): 1,2

MOTION - MOTION FOR DISCOVERY FILED BY DEFENDANT ON 07/03/2014

07/03/2014 HEARING - MOTION FOR DISCOVERY SCHEDULED FOR 08/06/2014 at 08:30 a.m.

NOTICE TO PARTIES/COUNSEL

07/03/2014 HEARING - MOTION FOR DISCOVERY NOTICE SENT ON 07/08/2014

08/05/2014 HEARING - MOTION TO SUPPRESS EVIDENCE CONTINUED ON 08/05/2014

0 5/2014 HEARING - MOTION TO SUPPRESS EVIDENCE SCHEDULED FOR 08/06/2014 at 08:30 a.m.

CR_200

NOTICE TO PARTIES/COUNSEL

08/05/2014 TRIAL - DOCKET CALL HELD ON 08/05/2014

DANIEL E BILLINGS , JUSTICE

Defendant Present in Court

08/05/2014 Charge(s) : 1,2

TRIAL - DOCKET CALL SCHEDULED FOR 09/03/2014 at 03:15 p.m.

08/07/2014 ORDER - TRANSCRIPT ORDER FILED ON 08/06/2014

Attorney: ADAM SHERMAN

REQUEST FOR TRANSCRIPT OF MOTION TO SUPPRESS HEARING

COPY OF MOTION

FOR TRANSCRIPT SENT TO DEFENSE ATTORNEY TO BE COMPLETED

08/11/2014 HEARING - MOTION TO SUPPRESS EVIDENCE CONTINUED ON 08/06/2014

08/11/2014 HEARING - MOTION TO SUPPRESS EVIDENCE SCHEDULED FOR 09/03/2014 at 03:15 p.m.

NOTICE TO PARTIES/COUNSEL

08/11/2014 HEARING - MOTION FOR DISCOVERY CONTINUED ON 08/06/2014

08/11/2014 HEARING - MOTION FOR DISCOVERY SCHEDULED FOR 09/03/2014 at 03:15 p.m.

NOTICE TO PARTIES/COUNSEL

08/13/2014 HEARING - MOTION TO SUPPRESS EVIDENCE NOT HELD ON 08/13/2014

08/13/2014 MOTION - MOTION TO SUPPRESS EVIDENCE DENIED ON 08/13/2014

DANIEL E BILLINGS , JUSTICE

COPY TO PARTIES/COUNSEL

08/13/2014 ORDER - COURT ORDER FILED ON 08/13/2014

DANIEL E BILLINGS , JUSTICE

ORDER ON MOTION TO SUPPRESS

A TRUE COPY

ATTEST: _____

Clerk