

STATE OF MAINE
KNOX, ss

STATE OF MAINE
Knox S.S., Clerk's Office
SUPERIOR COURT

AUG 13 2003

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-03-258

STATE OF MAINE,

RECEIVED AND FILED
Susan Gaillette, Clerk

v.

DECISION

CHRISTOPHER M. KIMBALL,
Defendant

DONALD L. SCHRECHT
LAW LIBRARY

AUG 25 2003

On May 24, 2003 Officer Brook Hartshorn of the Camden Police Department was called to the scene of a one car accident. She observed an individual exiting the accident vehicle through the passenger window. The individual identified himself as Christopher Kimball and provided his date of birth. He denied drinking but smelled of intoxicants from his breath.

The officer called dispatch and found that the individual's license was under suspension. The defendant claimed that he did not know he was under suspension. His words were slurred and he complained of leg pain. The officer asked how his vehicle ended up in the trees and if he was driving a bit fast and he said he might have been.

The defendant was removed from the scene and the officer made a decision to charge him with O.U.I. and to have blood drawn for a blood test at the hospital.

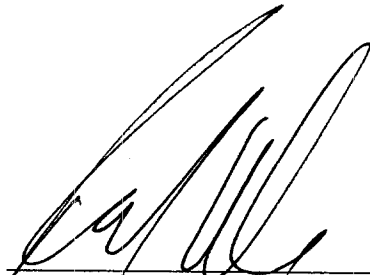
Clearly the officer had enough information to charge him with operating after suspension after the information as to his driving status came back from dispatch. The officer did not tell the defendant he was going to be charged with operating after suspension or O.U.I. and made arrangements to have his injuries tended to and then

ordered a blood alcohol test.

The defendant was not in custody for either the O.A.S. or O.U.I. charge and was removed from the scene with no further contact with the police until an hour later and for the purpose of obtaining a blood sample. The facts do not support the defendant's claim that he should have been advised of his Miranda rights and that his statement as to the speed of his vehicle and his operation of the car should have been suppressed. See State v. Michaud, 724 A.2d 1222 (Me. 1998).

The defendant's motion to suppress his statements is denied.

DATED: August 8, 2003



Roland A. Cole
Justice, Superior Court

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