

STATE OF MAINE

v.

JOHN M. ALCANTARA

Submitted on Briefs December 1, 2010
Decided December 7, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

John M. Alcantara appeals from a judgment of conviction of operating under the influence (Class C), 29-A M.R.S. § 2411(1-A)(B)(2) (2009), and aggravated operating after habitual offender revocation (Class C), 29-A M.R.S. § 2558 (2009), entered after a jury trial on the Unified Criminal Docket (Cumberland County, *Warren, J.*). Contrary to Alcantara's contentions, the suppression court (*Beaudoin, J.*) did not err in determining that Alcantara was not subject to a custodial interrogation when he made statements to the police, *see Miranda v. Arizona*, 384 U.S. 436 (1966); *State v. Michaud*, 1998 ME 251, ¶¶ 4-5, 724 A.2d 1222, 1226; *State v. Lewry*, 550 A.2d 64, 65 (Me. 1988), and the police discovered the keys in Alcantara's pocket pursuant to a search incident to his lawful arrest, *see State v. Parkinson*, 389 A.2d 1, 11-12 (Me. 1978).

The entry is:

Judgment affirmed.

Attorney for John M. Alcantara:

Robert A. Levine, Esq.
17 South Street
Portland, Maine 04101

Attorneys for the State of Maine:

Stephanie Anderson, District Attorney
Angela Cannon, Asst. Dist. Atty.
Prosecutorial District No. Two
142 Federal Street
Portland, Maine 04101

Cumberland County Unified Criminal Docket docket number CR-2009-5485
FOR CLERK REFERENCE ONLY