

STATE OF MAINE

v.

BATISTA H. BAZEYA

Submitted on Briefs October 27, 2011

Decided November 22, 2011

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

MEMORANDUM OF DECISION

Batista H. Bazeya appeals from a judgment of conviction of operating after habitual offender revocation (Class D), 29-A M.R.S. § 2557-A(2)(A) (2010), entered in the Unified Criminal Docket (Cumberland County, *Beaudoin, J.*), following a conditional guilty plea. Contrary to Bazeya's contentions, the suppression court (*Eggert, J.*) did not err in denying his motion to suppress. *See State v. Huether*, 2000 ME 59, ¶¶ 1, 6-7, 748 A.2d 993. A police officer stopped the car Bazeya was operating because he saw a front passenger-side window with what he thought was a tinted lower half in violation of 29-A M.R.S. § 1916(1)(C) (2010).¹ Although the officer later discovered that the window had appeared darkened due to tires stacked inside the car, not an illegally dark tint, the stop was permissible because the officer's belief constituted a reasonable and articulable suspicion that the driver had committed a violation of section 1916(1)(C). *See*

¹ Title 29-A M.R.S. § 1916(1)(C) (2010) states in relevant part:

A person may not operate a motor vehicle required to be registered in this State . . . if . . . [a] side window or rear window is composed of, covered by or treated with a material that allows a light transmittance of less than 35% net of glass and material.

Huether, 2000 ME 59, ¶¶ 6-7, 748 A.2d 993; *State v. Hill*, 606 A.2d 793, 795 (1992).

The entry is:

Judgment affirmed.

On the briefs:

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Stephanie Anderson, District Attorney, Kate Marshall, Stud. Intern, Jennifer Ackerman, Asst. Dist. Atty., for appellee State of Maine