

STATE OF MAINE

v.

ROBERT EMERSON

Submitted on Briefs February 24, 2011

Decided March 1, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Robert Emerson appeals from a judgment of conviction for operating under the influence after two prior offenses (Class C), 29-A M.R.S. § 2411(1-A)(B)(2) (2010), following his conditional guilty plea. Contrary to Emerson's arguments, the Superior Court (Kennebec County, *Mills, J.*) did not err in denying his motion to suppress evidence obtained as a result of the stop of his vehicle because the officer had a reasonable articulable suspicion to justify the stop. *See State v. Vaughan*, 2009 ME 63, ¶ 10, 974 A.2d 930, 933 (stating that articulable suspicion is a lower standard than probable cause and requires the officer's assessment of the circumstances to be objectively reasonable in the totality of the circumstances). An informant reported that Emerson was swerving and had nearly struck another vehicle, and this behavior was sufficiently dangerous to justify an investigatory stop once the officer located Emerson. *See State v. Porter*, 2008 ME 175, ¶ 8, 960 A.2d 321, 323 (stating that an investigatory stop is justified when a police officer has an objectively reasonable suspicion that criminal conduct, a civil violation, or a threat to public safety has occurred); *see also State v. McDonald*, 2010 ME 102, ¶¶ 2, 3, 6 A.3d 283, 284 (noting that a report of tailgating and unsafe attempts to pass could justify a stop).

The entry is:

Judgment affirmed.

---

**Attorney for Robert Emerson:**

Leonard I. Sharon, Esq.  
223 Main St.  
Auburn, Maine 04210

**Attorneys for the State:**

Evert N. Fowle, District Attorney  
Brad C. Grant, Asst. Dist. Atty.  
Prosecutorial District IV  
Kennebec County Courthouse  
95 State St.  
Augusta, Maine 04330