

STATE OF MAINE

v.

JONATHAN L. WEBBER

Submitted on Briefs June 1, 2011

Decided June 28, 2011

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

MEMORANDUM OF DECISION

Jonathan L. Webber appeals from a judgment of conviction entered in the Superior Court (Piscataquis County, *Stitham, J.*) on his conditional guilty plea for Criminal OUI (Class D), 29-A M.R.S. § 2411(1-A)(A) (2010), after the court (*Studstrup, J.*) denied his motion to suppress evidence. We dismiss Webber's appeal for failure to prepare and file an appendix in accordance with M.R. App. P. 8(j). *See State v. Dominique*, 2011 ME 18, ¶ 1, 12 A.3d 53, 53; *State v. Ross*, 2004 ME 12, 841 A.2d 814. Even if we were to reach the merits of Webber's appeal, however, we would conclude that the court did not err in denying Webber's motion to suppress pursuant to M.R. Crim. P. 41A because the traffic stop was objectively reasonable based on a specific and articulable concern for safety. *See State v. Pinkham*, 565 A.2d 318, 319 (Me. 1989) ("Safety reasons alone can be sufficient if they are based upon 'specific and articulable facts.'"); *see also State v. Gulick*, 2000 ME 170, ¶ 14, 759 A.2d 1085, 1088 (concluding that an officer's "concern for the safety of the car's occupants was sufficient to justify a brief detention of those occupants").

The entry is:

Appeal dismissed.

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Piscataquis County Superior Court docket number CR-10-35
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