

STATE OF MAINE

v.

DAVID R. PATTERSHALL

Submitted on Briefs March 1, 2012

Decided March 13, 2012

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

MEMORANDUM OF DECISION

David R. Pattershall appeals from a judgment of conviction for assault (Class C), 17-A M.R.S. § 207(1)(A), 1252(4-A) (2011), entered in the Superior Court (Waldo County, *A. Murray, J.*) following his conditional guilty plea pursuant to M.R. Crim. P. 11(a)(2). Contrary to Pattershall's contentions, the court (*Hjelm, J.*) did not err as a matter of law in denying his motion to suppress. The police officers entered Pattershall's home to carry out a safety and welfare check, a "community caretaking" function that does not require a warrant. *See State v. Dube*, 655 A.2d 338, 340 (Me. 1995). The officers' reasonable belief that Pattershall presented a danger to himself or others justified their presence in the home, even in the absence of suspected criminal activity. *See Michigan v. Fisher*, 130 S. Ct. 546, 548-49 (2009) (citing *Brigham City v. Stuart*, 547 U.S. 398 (2006)).

The entry is:

Judgment affirmed.

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**On the briefs:**

Scott F. Hess, Esq., The Law Office of Scott F. Hess, LLC, Augusta, for  
appellant David R. Pattershall

Neil J. Predergast, Asst. Dist. Atty., Belfast, for appellee State of Maine

Waldo County Superior Court docket number CR-2010-194  
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