

STATE OF MAINE

v.

JUAN R. OLIVARES

Submitted on Briefs January 30, 2012
Decided February 7, 2012

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

MEMORANDUM OF DECISION

Juan R. Olivares appeals from the judgment of conviction of unlawful possession of scheduled drugs (Class B), 17-A M.R.S. § 1107-A(1)(A)(1) (2011), and unlawful possession of scheduled drugs (Class D), 17-A M.R.S. § 1107-A(1)(C) (2011), entered in the Superior Court (York County, *Brennan, J.*), following a conditional guilty plea. Contrary to Olivares's contention, the motion court (*Fritzsche, J.*) did not err in denying his motion to suppress. *See State v. Donatelli*, 2010 ME 43, ¶ 10, 995 A.2d 238. Although the police officer did not find a weapon in the vehicle, the warrantless search was permissible because the officer had a reasonable articulable suspicion that there was a concealed weapon in the vehicle that might be used to harm him. *See State v. Fales*, 540 A.2d 1120, 1122 (Me. 1988); *Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983).

The entry is:

Judgment affirmed.

On the briefs:

Randall J. Bates, Esq., Strike, Goodwin & O'Brien, Portland, for appellant
Juan Olivares

William J. Schneider, Attorney General, and Amber L. Tucker, Asst. Atty.
Gen., Augusta, for appellee State of Maine

York County Superior Court docket number CR-2009-823
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