STATE OF MAINE

v.

TROY SMALL

Submitted on Briefs June 5, 2012
Decided June 26, 2012

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

MEMORANDUM OF DECISION

Troy Small appeals from the judgment entered in the Unified Criminal Docket (Cumberland County, *Kelly, J.*) convicting him of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2011) following entry of a conditional plea, M.R. Crim. P. 11(a)(2). On appeal, Small contends that the court (*Warren, J.*) erred in denying his motion to suppress evidence because there was insufficient reasonable articulable suspicion of the commission of a crime to justify the police stop of his vehicle that led to the operating under the influence charge.

Shortly after 1:00 a.m. on June 12, 2011, Small's vehicle was observed leaving a parking lot used by patrons of the Red Neck Lounge in Naples. A Cumberland County sheriff's deputy followed Small's vehicle and observed him to drift toward the center line of the roadway back to driving on the fog line on four occasions within approximately one-half a mile. The officer then initiated the stop. The trial court determined that these observations constituted more than bare speculation or an unsubstantiated hunch and were sufficient to create a reasonable articulable suspicion to justify the stop. The court's factual findings are not clearly erroneous and its legal conclusion is not erroneous based on the standards we have applied in evaluating motor vehicle stops. *See State v. LaForge*, 2012 ME 65, ¶¶ 9, 12-13, --- A.3d ---.

The entry is:

Judgment affirmed.

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On the briefs:

Stephen M. Brochu, Esq., Law Office of Stephen Brochu, Brunswick, for appellant Troy Small

Stephanie Anderson, District Attorney, Alison Thompson, Student Intern, and Angela Cannon, Asst. Dist. Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine