

STATE OF MAINE

v.

NOEL R. DESPRADEL

Argued January 15, 2013

Decided January 31, 2013

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

MEMORANDUM OF DECISION

Noel R. Despradel appeals from a judgment of conviction of unlawful trafficking in scheduled drugs (Class B), 17-A M.R.S. § 1103(1-A)(A) (2012), entered in the trial court (*MG Kennedy, J.*) following a jury-waived trial. Despradel argues that the court (*Warren, J.*) erred when it denied his motion to suppress evidence obtained through a warrantless search of his person during a lawful traffic stop in violation of his rights under the Fourth Amendment of the United States Constitution and the Maine Constitution. *See* U.S. Const. amends. IV, XIV; Me. Const. art. I, § 5.

Contrary to Despradel's contentions, the motion court did not err in determining that, based on the totality of the circumstances as examined from the standpoint of an objectively reasonable officer, the officer's search was supported by probable cause to believe that evidence of contraband would be found on Despradel's person. *See Ornelas v. United States*, 517 U.S. 690, 696 (1996); *State v. Michael M.*, 2001 ME 92, ¶ 6, 772 A.2d 1179 (discussing exceptions to the warrant requirement and stating that "[p]robable cause to search exists when there is a fair probability that contraband or evidence of a crime will be found in a particular place."); *State v. Smith*, 593 A.2d 210, 211-13 (Me. 1991); *see generally*

*State v. Harriman*, 467 A.2d 745, 750 (Me. 1983); *State v. Barclay*, 398 A.2d 794, 796-97 (Me. 1979); *see also State v. LaPlante*, 2011 ME 85, ¶ 6, 26 A.3d 337 (stating the standard of review); *State v. Blackburn*, 2008 ME 178, ¶ 7, 960 A.2d 1148 (stating that we uphold the denial of a motion to suppress “if any reasonable view of the evidence supports the court’s decision”); *cf. Arizona v. Gant*, 556 U.S. 332, 338-39 (2009) (discussing search of a vehicle incident to arrest).<sup>1</sup>

The entry is:

Judgment affirmed.

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**On the briefs:**

Leonard I. Sharon, Esq., Leonard I. Sharon, Esq., P.C., Auburn, for appellant Noel Despradel

William J. Schneider, Attorney General, Peter W. Lacy, Stud. Atty., and William R. Savage, Asst. Atty. Gen., for appellee State of Maine

**At oral argument:**

Leonard I. Sharon, Esq., for appellant Noel Despradel

Peter W. Lacy, Stud. Atty., for appellee State of Maine

Androscoggin County Superior Court docket number CR-2011-31  
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<sup>1</sup> Despradel does not argue on appeal that there were no exigent circumstances present to support the warrantless search of Despradel’s person, and we therefore need not address it. *See Holland v. Sebunya*, 2000 ME 160, ¶ 9 n.6, 759 A.2d 205. If we were to address it, however, the motion court did not err in finding the presence of exigent circumstances considering the officer’s perception that marijuana had recently been smoked in the vehicle. *See State v. Smith*, 593 A.2d 210, 212-13 (Me. 1991).