

STATE OF MAINE

v.

SCOTT A. GALLANT

Submitted on Briefs May 30, 2013

Decided June 13, 2013

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

MEMORANDUM OF DECISION

Scott A. Gallant appeals from a judgment of conviction of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2012); operating a defective motor vehicle (Class E), 29-A M.R.S. § 1768(5)(B) (2012); and operating beyond a license condition or restriction (Class E), 29-A M.R.S. § 1251(1)(B) (2012), entered by the trial court (*Cole, J.*) after Gallant's conditional guilty plea. Contrary to Gallant's contention, the court (*Wheeler, J.*) did not err in denying his motion to suppress evidence seized from an investigatory traffic stop of his vehicle. *See State v. Nightingale*, 2012 ME 132, ¶ 15, 58 A.3d 1057 (stating the standard of review). The officer had the right to stop Gallant's vehicle based on his observation that the rear license plate was partially obscured. *See* 29-A M.R.S. § 452(4)(2012); *State v. Connor*, 2009 ME 91, ¶ 10, 977 A.2d 1003. Although that reason for the stop dissipated before the officer approached Gallant's vehicle, it nevertheless was permissible for the officer to approach the vehicle and speak with Gallant. *See State v. Gulick*, 2000 ME 170, ¶ 15, 759 A.2d 1085 (observing that an officer may follow up with a vehicle operator even though the original reason for stopping the vehicle has disappeared).

The entry is:

Judgment affirmed.

On the briefs:

N. Seth Levy, Esq., Brunswick, for appellant Scott Gallant

Stephanie Anderson, District Attorney, and Julia A. Sheridan, Asst. Dist. Atty., Prosecutorial District No. 2, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2012-03338
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