MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 14-39
Docket No. Cum-13-316

STATE OF MAINE

v.

KEASHIE WALKER

Submitted on Briefs February 27, 2014
Decided March 6, 2014

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

MEMORANDUM OF DECISION

Keashie Walker appeals from a judgment of conviction entered by the trial court (*Moskowitz, J.*) upon her conditional guilty plea to one count of unlawful possession of scheduled drugs (Class D), 17-A M.R.S. § 1107-A(1)(C) (2013), and two counts of theft by receiving stolen property (Class E), 17-A M.R.S. § 359(1)(A) (2013). Walker argues that the court erred when it denied her motion to suppress evidence.

Contrary to Walker's contention, her arrest was supported by probable cause. *See* 17-A M.R.S. §§ 15(1)(B), (2), 359(1)(A), (2) (2013); *Maryland v. Pringle*, 540 U.S. 366, 370-74 (2003); *State v. Flint*, 2011 ME 20, ¶ 12, 12 A.3d 54; *see also State v. Langlois*, 2005 ME 3, ¶ 8, 863 A.2d 913. Additionally, the search of her person at the police station following her arrest was constitutionally valid. *See Maryland v. King*, 569 U.S. ---, ---, 133 S. Ct. 1958, 1970-71 (2013) ("[T]he constitutionality of a search incident to an arrest does not depend on whether there is any indication that the person arrested possesses weapons or evidence. The fact of a lawful arrest, standing alone, authorizes a search."); *see also Illinois v. Lafayette*, 462 U.S. 640, 643-45 (1983) (stating that an officer may search the arrestee's full person and personal belongings in an inventory search conducted during the booking process following arrest); *State v. Foy*, 662 A.2d

238, 241 (Me. 1995) ("The scope of a search incident to arrest encompasses the full search of the arrestee's person at the jail or place of detention."); *State v. Parkinson*, 389 A.2d 1, 12 (Me. 1978).

Finally, contrary to Walker's contentions, the court did not err in declining to suppress inculpatory statements that Walker apparently made to law enforcement after she was validly arrested and searched, and after she was given, and she waived, her *Miranda* rights. Walker now argues for the first time that there was insufficient evidence admitted at the suppression hearing for the State to have established that she voluntarily waived her *Miranda* rights. *See State v. Ormsby*, 2013 ME 88, ¶ 27, 81 A.3d 336 (stating that the State must show by a preponderance of the evidence that a defendant made a knowing, intelligent, and voluntary waiver of her *Miranda* rights); *see also State v. McNally*, 2007 ME 66, ¶ 8, 922 A.2d 479 (stating the standard of review when an unpreserved claim of error is of constitutional dimension). However, because Walker did not raise any argument relating to voluntariness of the waiver before the suppression court, the parties offered essentially no evidence relevant to that issue, and the court made no findings relevant to the issue. Furthermore, Walker did not move for additional findings of fact or conclusions of law relating to that argument. *See* U.C.D.R.P.—Cumberland County 41A(d). Accordingly, Walker has not provided a record on appeal adequate to allow us to review the issue she now raises. *See State v. Milliken*, 2010 ME 1, ¶ 12, 985 A.2d 1152 ("[A]ppellant bears the burden of providing an adequate record upon which the reviewing court can consider the arguments on appeal. . . . This rule applies to both civil and criminal appeals."); *see also State v. Robbins*, 2012 ME 19, ¶ 2, 37 A.3d 294.

The entry is:

Judgment affirmed.

On the briefs:

Lawrence B. Goodglass, Esq., Portland, for appellant Keashie Walker

Stephanie Anderson, District Attorney, and Michael Madigan, Asst. Dist. Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine