

STATE OF MAINE

v.

SABRINA M. CUMMINGS

Submitted on Briefs December 13, 2013
Decided January 9, 2014

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

MEMORANDUM OF DECISION

Sabrina M. Cummings appeals from a judgment of conviction of one count of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2013), entered in the District Court (Ellsworth, *A. Murray, J.*) following her conditional guilty plea. Cummings contends that the court erroneously denied her motion to suppress evidence derived from the stop of her vehicle. Based on the totality of the circumstances, including Cummings's repeated drifting onto and crossing the yellow center line and the white fog line, the vehicle's fluctuating speed, and the early morning hour, the court did not err in concluding that the arresting officer had an objectively reasonable and articulable suspicion to stop Cummings's vehicle. *See State v. LaForge*, 2012 ME 65, ¶¶ 8-13, 43 A.3d 961; *State v. Brown*, 675 A.2d 504, 505 (Me. 1996); *State v. Cusack*, 649 A.2d 16, 18-19 (Me. 1994).

The entry is:

Judgment affirmed.

On the briefs:

Jeffrey C. Toothaker, Esq, Ellsworth, for appellant Sabrina Cummings

Carletta M. Bassano, District Attorney, and Mary N. Kellett, Asst. Dist.
Atty., Prosecutorial District No. VII, Ellsworth, for appellee State of Maine

Ellsworth District Court docket no. CR-2012-459
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