

STATE OF MAINE

v.

MATTHIEU D. LAVERTU

Submitted on Briefs October 13, 2016
Decided October 25, 2016

Panel: ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Matthieu D. Lavertu appeals from a judgment of conviction entered by the trial court (Knox County, *Billings, J.*) after a jury found him guilty of one count of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2015). Contrary to Lavertu's contentions, the court did not err by denying his motion to suppress evidence based on its conclusions that the officer who stopped Lavertu developed reasonable articulable suspicion to detain Lavertu for OUI during the course of the traffic stop that was based on a different traffic violation, *see Rodriguez v. United States*, 575 U.S. --, 135 S. Ct. 1609, 1614-15 (2015); and that, based on the totality of the circumstances, Lavertu was not in custody for Fifth Amendment purposes when he made statements to an officer at the conclusion of the field sobriety tests, *see State v. Bragg*, 2012 ME 102, ¶¶ 9-11, 48 A.3d 769 (holding that a brief detention to conduct field sobriety tests "is consistent with the characteristics of a *Terry*-type stop that does not rise to the level of custody for Fifth Amendment purposes"); *State v. King*, 2016 ME 54, ¶ 21, 136 A.3d 366 ("A brief surrender of identifying documents does not transform an investigatory detention into a custodial arrest . . ."). Additionally, the evidence was sufficient for the jury to

rationality find each element of the crime charged beyond a reasonable doubt.
See State v. Atkins, 2015 ME 162, ¶¶ 20-21, 129 A.3d 952.

The entry is:

Judgment affirmed.

On the briefs:

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for appellant Matthieu Lavertu

Geoffrey Rushlau, District Attorney, and Jeffrey Barody,
Asst. Dist. Atty., Prosecutorial District VI, Rockland, for
appellee State of Maine