

STATE OF MAINE

v.

EDUARDO C. GAUTIER LIPSETT

Submitted on Briefs February 20, 2019
Decided February 28, 2019

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

MEMORANDUM OF DECISION

Eduardo C. Gautier Lipsett appeals from a judgment of conviction for operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2018), entered by the trial court (Cumberland County, *J. French, J.*) following Gautier Lipsett's conditional guilty plea, *see* M.R.U. Crim. P. 11(a)(2). Contrary to Gautier Lipsett's contention, the court (*L. Walker, J.*) did not err in denying his motion to suppress evidence resulting from the stop of his vehicle because sufficient evidence supported the court's finding that the police officer who made the stop had an objectively reasonable suspicion that Gautier Lipsett's loud exhaust violated 29-A M.R.S. § 1912(1) (2018). *See State v. Ferguson*, 2019 ME 10, ¶ 18, --- A.3d --- ("issues of credibility and . . . the weighing of conflicting or inconsistent evidence . . . fall[] solidly within the province of the fact-finder" (alteration and quotation marks omitted)); *State v. Turner*, 2017 ME 185, ¶¶ 7, 8 n.3, 169 A.3d 931; *State v. Simmons*, 2016 ME 49, ¶¶ 4, 8, 135 A.3d 824; *State v. Webber*, 2000 ME 168, ¶ 7, 759 A.2d 724.

The entry is:

Judgment affirmed.

Cameron T. Ellis, Esq., The Nielsen Group, Biddeford, for appellant Eduardo C. Gauthier Lipsett

Stephanie Anderson, District Attorney, and Jennifer Ackerman, Dep. Dist. Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2017-5001
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