

STATE OF MAINE

v.

DEVON S. HAMEL

Argued May 16, 2019
Decided May 23, 2019

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

MEMORANDUM OF DECISION

Devon S. Hamel appeals from a judgment of conviction for criminal speeding (Class E), 29-A M.R.S. § 2074(3) (2018), entered by the trial court (Penobscot County, *Anderson, J.*) following his conditional guilty plea, *see* M.R.U.Crim. P. 11(a)(2). Contrary to Hamel’s contention, the court (*A. Murray, J.*) did not err in denying his motion to suppress evidence concerning a police officer’s extraterritorial stop of his vehicle after the officer observed Hamel driving at 116 mph in a 70 mph zone because the record supports the court’s findings that the officer’s actions were “(1) supported by the law and constitutional requirements that would have applied had the officer been within his lawful territory; (2) justified by the facts surrounding the stop; and (3) not made unreasonable by the presence of other factors, such as a *willful* disregard of territorial limits, the seeking out of crime in another territory, or a complete failure to contact the local law enforcement agency.” *State v. Turner*, 2017 ME 185, ¶ 20, 169 A.3d 931.

We decline Hamel’s invitation to overrule *Turner* on the ground that it “essentially says that there can never be an Exclusionary Rule applied to

extraterritorial arrests” because our decision made clear that the exclusionary rule remains available in appropriate cases to ensure that the legislative intent behind 30-A M.R.S. § 2671(2) (2018)¹ is respected. *See Turner*, 2017 ME 185, ¶ 20, 169 A.3d 931 (“[W]e have indicated that an intentional disregard of territorial limits to ferret out crime could require the suppression of evidence.”).

The entry is:

Judgment affirmed.

Joseph M. Baldacci, Esq. (orally), Law Office of Joseph M. Baldacci, Bangor, for appellant Devon S. Hamel

Marianne Lynch, District Attorney, and Brendan F. Trainor, Asst. Dist. Atty. (orally), Prosecutorial District V, Bangor, for appellee State of Maine

Penobscot Unified Criminal Docket docket number CR-2018-1129
FOR CLERK REFERENCE ONLY

¹ The statute provides that, subject to certain enumerated exceptions, “No police officer has any authority in criminal or traffic infraction matters beyond the limits of the municipality in which the officer is appointed.” 30-A M.R.S. § 2671(2) (2018).