

STATE OF MAINE

v.

JOSE FELICIANO

Submitted on Briefs April 14, 2020
Decided April 21, 2020

Panel: MEAD, GORMAN, JABAR, CONNORS, and HJELM, JJ.

MEMORANDUM OF DECISION

Jose Feliciano appeals from a judgment of conviction entered in the trial court (Cumberland County, *Cole, C.J.*) for unlawful possession of marijuana (Class D), 17-A M.R.S. § 1107-A (1)(F)(2) (2018), following his entry of a conditional guilty plea reserving the right to appeal the issues raised in his motion to suppress. Feliciano argues that the court erred in denying his motion to suppress the evidence seized from the trunk of the vehicle that he was driving, following a traffic stop. *See State v. Turner*, 2017 ME 185, ¶ 7, 169 A.3d 931 (“When reviewing a trial court’s denial of a motion to suppress, we review the findings of fact for clear error and the conclusions of law de novo.”).

Specifically, Feliciano argues that the traffic stop and subsequent search were constitutionally unreasonable in three ways: (1) the roadside detention was unreasonably prolonged and thus constituted an unreasonable seizure of Feliciano, (2) the vehicle was unlawfully searched and its contents impermissibly seized because the officers conducted a warrantless search without probable cause, and (3) the vehicle was unlawfully searched and its contents impermissibly seized because the registered owner’s consent did not

override Feliciano's denial of consent to search the vehicle. See U.S. Const. amend. IV; Me. Const. art. I, § 5. Because we conclude that the traffic stop was not unreasonably prolonged, and that probable cause existed to support the search of the vehicle pursuant to the automobile exception to the warrant requirement, we conclude that the trial court's denial of Feliciano's motion to suppress was not in error. See *Rodriguez v. United States*, 575 U.S.348, 354-57 (2015); *United States v. Chaney*, 584 F.3d 20, 23-26 (1st Cir. 2009); *State v. Nadeau*, 2010 ME 71, ¶ 17, 1 A.3d 445; *State v. Ireland*, 1998 ME 35, 706 A.2d 597; *State v. Tomah*, 586 A.2d 1267, 1268-69 (Me. 1991).

The entry is:

Judgment affirmed.

Valerie A. Randall, Esq., Hanly Law, Portland, for Appellant Jose Feliciano

Jonathan Sahrbeck, District Attorney, and Carlos Diaz, Asst. Dist. Atty.,
Cumberland County DA's Office, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2018-359
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