

STATE OF MAINE

v.

ANGEL C. PACHECO

Argued May 11, 2020

Decided June 4, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Angel C. Pacheco appeals from a judgment of conviction of aggravated trafficking of scheduled drugs (Class A), 17-A M.R.S. § 1105-A(1)(H) (2020), and unlawful possession of scheduled drugs (Class C), 17-A M.R.S. § 1107-A(1)(B)(3) (2020), entered by the trial court (Somerset County, *Mullen, D.C.J.*) on conditional guilty pleas after the denial of Pacheco's motion to suppress evidence.¹ *See* M.R.U. Crim. P. 11(a)(2). Contrary to Pacheco's contentions, the trial court did not err when it denied his motion to suppress evidence because the affidavit supporting the search warrant at issue provided a substantial basis for the issuing magistrate's finding of probable cause that "any persons . . . present at" the residence in question would possess evidence

¹ The court also ordered the forfeiture of a sum of money pursuant to 15 M.R.S. § 5826 (2017). Portions of section 5826 have since been amended. *See, e.g.*, P.L. 2019, ch. 97, §§ 4-6 (effective Sept. 19, 2019) (codified at 15 M.R.S. § 5826(1)-(2), (6) (2020)). Pacheco has not challenged the forfeiture order on appeal.

of a crime, and the resulting warrant was not unconstitutionally broad.² See U.S. Const. amend. IV; Me. Const. art. I, § 5; *Ybarra v. Illinois*, 444 U.S. 85, 87-92, 92 n.4 (1979); *State v. Marble*, 2019 ME 157, ¶ 10, 218 A.3d 1157; *State v. Warner*, 2019 ME 140, ¶¶ 19-20, 216 A.3d 22; *State v. Allard*, 674 A.2d 921, 922-23 (Me. 1996).

The entry is:

Judgment affirmed.

Brad C. Grant, Esq. (orally), Ferris, Gurney, Grant & Crook PA, Waterville, for appellant Angel C. Pacheco

Maeghan Maloney, District Attorney, and Francis J. Griffin, Jr. (orally), Asst. Dist. Atty., Prosecutorial District IV, Skowhegan, for appellee State of Maine

Somerset County Unified Criminal Docket docket number CR-2018-577
FOR CLERK REFERENCE ONLY

² Because we conclude that the search at issue was not unlawful, we do not address Pacheco's challenge to the court's alternative conclusion that the good faith exception to the exclusionary rule applied. See, e.g., *State v. Nunez*, 2016 ME 185, ¶ 17, 153 A.3d 84.