

STATE OF MAINE

v.

MERRITT BENNETT

Submitted on Briefs September 25, 2003
Decided October 10, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and CALKINS, JJ.

MEMORANDUM OF DECISION

Merritt Bennett appeals from a judgment of the Superior Court (Cumberland County, *Crowley, J.*), entered after a jury trial, in which he was found guilty of OUI, Class D, in violation of 29-A M.R.S.A. § 2411(1) (1996); failure to notify a property owner of an accident involving property damage, Class E, in violation of 29-A M.R.S.A. § 2255 (1996); and refusal to sign a summons, Class E, in violation of 29-A M.R.S.A. § 2601(10) (Supp. 2002).

Contrary to Bennett's assertions, the Superior Court did not err in (1) determining that the warrantless entry and search of Bennett's home was

justified by exigent circumstances, including concern for Bennett's safety, *see State v. Gulick*, 2000 ME 170, ¶¶ 13-14, 759 A.2d 1085, 1088; *see also United States v. Cervantes*, 219 F.3d 882, 889-90 (9th Cir. 2000); (2) admitting the statement Bennett made in his home, *see State v. Higgins*, 2002 ME 77, ¶¶ 12-13, 796 A.2d 50, 54-55; and (3) finding the evidence sufficient to support conviction, *see State v. Turner*, 2001 ME 44, ¶ 6, 766 A.2d 1025, 1027.

The entry is:

Judgment affirmed.

Attorneys for State:

Stephanie Anderson, District Attorney
Julia Sheridan, Asst. Dist. Atty.
142 Federal Street
Portland, ME 04101

Attorney for defendant:

Thomas J. Connolly, Esq.
P O Box 7563
Portland, ME 04112-7563