

STATE OF MAINE

v.

WADE A. HUNT

Submitted on Briefs March 24, 2003  
Decided April 18, 2003

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

MEMORANDUM OF DECISION

Wade A. Hunt appeals from a judgment entered in the Superior Court (Cumberland County, *Delahanty, J.*) on his conditional guilty plea of operating a motor vehicle under the influence of alcohol (Class D) in violation of 29-A M.R.S.A § 2411(1) (1996). Contrary to Hunt's contention, the District Court (Bridgton, *Eggert, J.*) did not err when it denied his motion to suppress the evidence gathered from the trooper's investigatory stop. Given the totality of the circumstances, including the late hour, the closed businesses, the trooper's knowledge of the area, and his observation of the occupants sitting in the idling car, the court did not err when it found that the trooper had a reasonable,

articulable suspicion that criminal activity may have been afoot. *See State v. Fillion*, 474 A.2d 187, 190 (Me. 1984) (finding a reasonable, articulable suspicion when the officer observed a car parked at a warehouse at 2:30 A.M. where he had never seen a car parked before), *see also State v. Fitzgerald*, 620 A.2d 874, 875 (Me. 1993) (ruling that the observed conduct giving rise to the suspicion may be “wholly lawful in itself”). Furthermore, the scope of the intrusion after the stop was reasonable. *See State v. Huether*, 2000 ME 59, ¶¶ 7, 8, 748 A.2d 993, 995-96.

The entry is:

Judgment affirmed.

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