

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 03-58
Docket No. Yor-02-679

STATE OF MAINE

v.

DENNIS WAKEFIELD

Submitted on Briefs April 9, 2003
Decided April 18, 2003

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

MEMORANDUM OF DECISION

Dennis Wakefield appeals from the judgment of the Superior Court (York County, *Fritzsche, J.*) entered following his conditional plea to the charge of operating under the influence (Class D) in violation of 29-A M.R.S.A. § 2411(1) (1996). Wakefield challenges the order of the District Court (Biddeford, *Kennedy, J.*) denying his motion to suppress evidence obtained from the stop of his vehicle by the Biddeford Police. Wakefield contends that the District Court erred in denying the motion to suppress because the officer did not possess a reasonable and articulable suspicion that criminal conduct had occurred or that Wakefield was the person who committed that conduct.

Wakefield does not dispute the findings of fact made by the District Court or the officer's testimony regarding the events that led to the stop of Wakefield's vehicle. When the facts leading to a stop are undisputed, the issue is whether the officer's suspicion is objectively reasonable in the totality of the circumstances. *See State v. Sylvain*, 2003 ME 5, ¶ 11, 814 A.2d 984, 987; *State v. Eklund*, 2000 ME 175, ¶ 5, 760 A.2d 622, 624. The objective reasonableness of the officer's suspicion is a question of law that we review de novo. *Sylvain*, 2003 ME 5, ¶ 11, 814 A.2d at 987. On this record, no error in the District Court's conclusions is demonstrated.

The entry is:

Judgment affirmed.

Attorneys for State:

Mark Lawrence, District Attorney
Tara Bates, Asst. Dist. Atty.
P O Box 399
Alfred, ME 04002-0399

Attorney for defendant:

Paul Aronson, Esq.
Scaccia, Lenkowski & Aronson
P O Box 929
Sanford, ME 04073