

STATE OF MAINE

v.

WILLIAM D. NELSON

Argued September 22, 2004  
Decided October 25, 2004

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

MEMORANDUM OF DECISION

William D. Nelson appeals from his conviction of operating under the influence (Class D) in violation of 29-A M.R.S.A. § 2411(1)(B), (5)(D) (1996 & Supp. 2002),<sup>1</sup> entered following a conditional plea, M.R. Crim. P. 11(a)(2), before the Superior Court (Waldo County, *Mills, C.J.*). Nelson asserts that the court erred in denying his motion to suppress evidence obtained after a stop, because the stop was not supported by sufficient reasonable and articulable suspicion.

While there may be an issue as to whether the inquiry in this case constituted a stop or a lesser intrusion that does not implicate the Fourth Amendment, *see*

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<sup>1</sup> Title 29-A M.R.S.A. § 2411(1)(B), (5)(D) has since been amended in part and repealed in part by P.L. 2003, ch. 452, §§ Q-77, Q-81 (effective July 1, 2004), *codified at* 29-A M.R.S.A. § 2411(1-A)(A)(2), (5)(D) (Supp. 2003).

*Hiibel v. Sixth Judicial Dist. Court*, 542 U.S. ---, 124 S. Ct. 2451, 2458 (2004);  
*United States v. Drayton*, 536 U.S. 194, 201 (2002), we conclude that if there was  
a stop, the trial court's conclusion that the stop was supported by sufficient  
reasonable and articulable suspicion of a violation of law is supported by the  
record. *State v. Buxton*, 687 A.2d 227, 228 (Me. 1996).

The entry is:

Judgment affirmed.

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