

STATE OF MAINE

v.

ALLEN BARBER

Submitted on Briefs April 27, 2004
Decided May 5, 2004

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

MEMORANDUM OF DECISION

Allen Barber appeals from a judgment of conviction for theft by deception, 17-A M.R.S.A. § 354(1) (1983),¹ entered in the Superior Court (Hancock County, *Mead, J.*) following a jury trial resulting in a guilty verdict. Contrary to Barber's three contentions on appeal, (1) the court did not err in denying his motion to suppress evidence obtained as a result of the traffic stop in Minnesota that led to his arrest, *United States v. Hensley*, 469 U.S. 221, 226 (1985) (stating that a traffic stop does not violate the Fourth Amendment if the officer makes the stop based on

¹ Section 354(1) has been repealed, replaced, and amended since the commission of the crime. P.L. 2001, ch. 383, § 34 (effective January 31, 2003); P.L. 2001, ch. 667, § D-4 (effective January 31, 2003) (codified at 17-A M.R.S.A. § 354(1) (Supp. 2003)).

a reasonable articulable suspicion that a crime is being committed); Minn. Stat. §§ 169.79, 169.89 (2002) (making it a crime to operate a vehicle without displaying a license plate unless an exception applies); (2) the court did not err, *Freeman v. Funtown/Splashtown, USA*, 2003 ME 101, ¶ 7, 828 A.2d 752, 754 (stating that we review relevancy determinations for clear error), or exceed the bounds of its discretion, *id.* (stating that we review for abuse of discretion when the question of admissibility involves the weighing of probative value against factors that militate against admissibility), in admitting evidence found in Barber’s possession and in his vehicle, M.R. Evid. 401-403; *State v. Thompson*, 503 A.2d 228, 231 (Me. 1986) (stating that “[e]vidence of what transpired before or after the incident in issue is admissible if it tends to establish intent or other relevant state of mind”); and (3) the evidence was sufficient for the jury to “rationally find every element of the offense beyond a reasonable doubt,” *State v. Kotredes*, 2003 ME 142, ¶ 9, 838 A.2d 331, 335.

The entry is:

Judgment affirmed.

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