

STATE OF MAINE

v.

MARK CURTIS

Submitted on Briefs September 27, 2007  
Decided October 30, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER and  
MEAD, JJ.

MEMORANDUM OF DECISION

Mark Curtis appeals from a judgment of conviction for operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2006), entered in the District Court (Ellsworth, *Mullen, J.*) following acceptance of his conditional guilty plea pursuant to M.R. Crim. P. 11(a)(2). Contrary to Curtis's contentions, there is sufficient evidence in the record to support the trial court's conclusion that Curtis was not seized for purposes of Fourth Amendment analysis when he was approached by an officer in a driveway. *See State v. Cilley*, 1998 ME 34, ¶ 7, 707 A.2d 79, 82; *State v. Keniston*, 483 A.2d 1240, 1241 (Me. 1984). Because the

evidence in the record supports the trial court's finding on the seizure issue, the court did not err in denying Curtis's motion to suppress evidence obtained after inquiry by the police officer.

The entry is:

Judgment affirmed.

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