

STATE OF MAINE

v.

ROBERT E. LEE II

Submitted On Briefs November 4, 2008

Decided November 18, 2008

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

MEMORANDUM OF DECISION

Robert E. Lee II appeals from a judgment of conviction for operating under the influence based on failure to submit to a blood-alcohol test (Class D), 29-A M.R.S. § 2411(1-A)(C)(1) (2007), entered in the District Court (Farmington, *Murphy, J.*) on his conditional guilty plea pursuant to M.R. Crim. P. 11(a)(2). Contrary to Lee's contentions, the factual findings issued by the court (*Nivison, J.*) in its decision denying Lee's motion to suppress evidence from the stop of his vehicle are supported by adequate record evidence, and thus the court committed no clear error in making those findings. *See State v. Bilynsky*, 2007 ME 107, ¶ 16, 932 A.2d 1169, 1173; *State v. Alley*, 2004 ME 10, ¶ 13, 841 A.2d 803, 807. Likewise, the court committed no error of law in concluding that the officer's stop of Lee's vehicle was justified by a legitimate safety concern. *See Bilynsky*, 2007 ME 107, ¶ 16, 932 A.2d at 1173; *State v. Gulick*, 2000 ME 170, ¶ 14, 759 A.2d 1085, 1088.

The entry is:

Judgment affirmed.

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