

STATE OF MAINE

v.

ANDREW BUCK

Submitted on Briefs December 12, 2008  
Decided December 30, 2008

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

MEMORANDUM OF DECISION

Andrew Buck appeals from a judgment of conviction entered in the Superior Court (Lincoln County, *Horton, J.*), following his conditional plea of guilty to two counts of gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2007). Contrary to Buck's contentions, we discern no clear error in the factual findings made by the Superior Court (*Wheeler, J.*) in denying his motion to suppress and, viewing the relevant factors in their totality, conclude that the court did not err in determining that Buck was not in police custody when he made his incriminating statements. *See State v. Dion*, 2007 ME 87, 928 A.2d 746, ¶¶ 22-23, 928 A.2d 746, 750-51. In addition, the court did not err in determining that Buck's statements were voluntary. *See id.* ¶¶ 32-33, 928 A.2d at 752; *State v. Sawyer*, 2001 ME 88, ¶¶ 7-9, 772 A.2d 1173, 1175-76.

The entry is:

Judgment affirmed.

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**Attorney for Andrew Buck:**

Harold J. Hainke, Esq.  
Hainke & Tash  
PO Box 192  
Whitefield, Maine 04353

**Attorney for the State of Maine:**

Geoffrey Rushlau, District Attorney  
Prosecutorial District Six  
Lincoln County Courthouse  
PO Box 249  
Wiscasset, Maine 04578