

STATE OF MAINE

v.

GEOFFREY G. HUBBS

Submitted on Briefs August 11, 2009

Decided August 25, 2009

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

MEMORANDUM OF DECISION

Geoffrey G. Hubbs appeals from the judgment of the District Court (Ellsworth, *Staples, J.*) finding him guilty of the charge of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(B)(1) (2008), upon Hubbs's entry of a conditional plea, M.R. Crim. P. 11(a)(2), following denial of Hubbs's motion to suppress evidence. Hubbs contends that the court, at the suppression hearing, should not have believed the law enforcement officer's testimony that he perceived the vehicle being operated by Hubbs to have a loud exhaust which justified the subsequent stop of the vehicle.

On appeal from fact-findings by the trial court, we view the evidence most favorably to the trial court's result, recognizing that it is for the trial court to resolve issues of the weight and credibility of the evidence presented to it. *State v. Moores*, 2006 ME 139, ¶ 7, 910 A.2d 373, 375. Based on that standard of review, there is no clear error demonstrated in the court's fact-findings regarding the motion to suppress.

The entry is:

Judgment affirmed.

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