

STATE OF MAINE

v.

TRAVIS LEE PICKELL

Submitted on Briefs November 23, 2009

Decided December 15, 2009

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

MEMORANDUM OF DECISION

Travis Lee Pickell appeals from a judgment of the Superior Court (Penobscot County, *Nivison, J.*) convicting him of unlawful trafficking in scheduled drugs pursuant to 17-A M.R.S. § 1103(1-A)(A) (2008); unlawful possession of a scheduled drug pursuant to 17-A M.R.S. § 1107-A(1)(B)(3) (2008); and unlawful furnishing of a scheduled drug pursuant to 17-A M.R.S. § 1106(1-A)(D) (2008). On appeal, Pickell challenges the Superior Court's order (*Jabar, J.*) denying his motion to suppress statements made and evidence obtained during a police investigation.

Contrary to Pickell's contentions, the Superior Court did not err in denying his motion to suppress his statements, which were made after he voluntarily, knowingly, and intelligently waived his right to remain silent. *See, e.g., State v. Lockhart*, 2003 ME 108, ¶ 24, 830 A.2d 433, 443; *see also Miranda v. Arizona*, 384 U.S. 436, 444 (1966) ("The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently."). The court also did not err in denying his motion to suppress the seized evidence, which the officer observed in plain view after Pickell voluntarily consented to the search. *See State v. Seamen's Club*, 1997 ME 70, ¶ 7, 691 A.2d 1248, 1251 ("A search conducted pursuant to valid consent is an exception to the warrant requirement");

see also State v. Drown, 2007 ME 142, ¶ 7, 937 A.2d 157, 160 (holding that when a warrantless search is justified, an object in plain view is admissible).

The entry is:

Judgment affirmed.

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