

STATE OF MAINE

v.

MELISSA I. FERRIS

Submitted on Briefs February 26, 2009
Decided March 17, 2009

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

MEMORANDUM OF DECISION

Melissa I. Ferris appeals from a judgment entered in the District Court (Skowhegan, *LaVerdiere, D.C.J.*) convicting her of operating under the influence, (Class D), 29-A M.R.S. § 2411(1-A)(A) (2008). Contrary to Ferris's contentions: (1) the law enforcement officers had probable cause to detain her, *see State v. Webster*, 2000 ME 115, ¶ 7, 754 A.2d 976, 978, and could have lawfully detained her for safety reasons, *see id.* ¶ 8, 754 A.2d at 978; (2) she was not denied due process by the manner in which a laboratory drug test was conducted, *see* 29-A M.R.S. § 2525(2) (2008); *see also State v. Brann*, 1999 ME 113, ¶ 11, 736 A.2d 251, 255; and (3) the trial court could have rationally found beyond a reasonable doubt every element of the offense charged, *see State v. McCurdy*, 2002 ME 66, ¶ 10, 795 A.2d 84, 88.

The entry is:

Judgment affirmed.

Attorney for Melissa I. Ferris:

Robert E. Sandy, Esq.
Sherman & Sandy
74 Silver Street
PO Box 499
Waterville, Maine 04903-0499

Attorneys for the State of Maine:

Evert Fowle, District Attorney
Neil McLean, Jr., Asst. Dist. Atty.
Prosecutorial District IV
Somerset County Courthouse
41 Court Street
Skowhegan, Maine 04976