

STATE OF MAINE

v.

MALONE T. VINCECRUZ

Argued April 14, 2010
Decided August 17, 2010

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

MEMORANDUM OF DECISION

Malone T. Vincecruz appeals from judgments of conviction of operating after habitual offender revocation (Class C), 29-A M.R.S. § 2557-A(2)(C) (2009), and violating a condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2009), entered in the Superior Court (Androscoggin County, *Delahanty, J.*). Vincecruz contends that the court erred as a matter of law in denying his motion to suppress, in which he asserted that his constitutional rights were violated when the police entered his residence without a search warrant and without consent in order to effect his arrest. Contrary to Vincecruz's contention, the entry by the officers was permitted because they had outstanding warrants for his arrest, and they reasonably believed prior to entry that Vincecruz lived at the residence and was present within. *See Payton v. New York*, 445 U.S. 573, 603 (1980); *United States v. Gooch*, 506 F.3d 1156, 1159 (9th Cir. 2007). Although the motion court relied on different grounds to deny Vincecruz's motion to suppress, a result that is "proper under the law[] may be affirmed, even if for a reason different than that given by the [motion] court." *State v. Gorman*, 2004 ME 90, ¶ 41, 854 A.2d 1164, 1174.

We also conclude that the trial court committed no error in admitting the Secretary of State's certificate regarding Vincecruz's habitual offender status.

See State v. Murphy, 2010 ME 28, 991 A.2d 35. Finally, we decline to address Vincecruz's contention that his constitutional right to a public trial was violated because (1) he failed to preserve this argument, and (2) there is no evidence in the record that a member of the public was asked to leave the courtroom during his trial. *See State v. Barnes*, 2004 ME 105, ¶ 5, 854 A.2d 208, 210-11.

The entry is:

Judgments affirmed.

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