

STATE OF MAINE
CUMBERLAND, ss

STATE OF MAINE
Cumberland, ss, Clerk's Office
SUPERIOR COURT

UNIFIED COURT
CUMCD-CR-13-03890

WSB - CUMY 10/16/2013

OCT 16 2013

STATE OF MAINE,

v.

RECEIVED

DECISION

FAUSTO M GUARNIZ, et al.,

Defendants.

FINDINGS

1. On June 9, 2013 at 3 a.m. South Portland Officer Michael Armstrong was traveling south on the Casco Bay Bridge when he saw a fairly new Mercedes traveling north on the Casco Bay Bridge without it's headlights illuminated.
2. The Mercedes did have its "running lights" on. Running lights are not yellow. They are a string of white lights under the bottom of or around three sides of the headlights. They are prevalent in newer cars. The running lights are not bright enough to illuminate the road properly as the headlights do.
3. Officer Armstrong turned his cruiser around and stopped the Mercedes as it exited the bridge and turned left on High Street.
4. Officer Armstrong approached the Mercedes and met Defendant Fausto Guarniz, who was driving.
5. Officer Armstrong told Mr. Guarniz why he stopped him.
6. Mr. Guarniz said he wasn't familiar with the car. He turned the headlights switch to "on" and they headlights came on.

ANALYSIS

Mr. Guarniz has identified the stop as his only issue. Officer Armstrong obviously had grounds to stop Mr. Guarniz because Mr. Guarniz was driving at 3 a.m. without his headlights on.

Mr. Guarniz's specific argument is that Officer Armstrong must have been mistaken because the video shows what appears to be a round glow of lights coming from the headlights of Mr. Guarniz's Mercedes.

Video can be misleading, especially in depicting the glare of lights. Also, it is not clear from the testimony whether the running lights were a straight line of small bulbs under the headlight, a wavy line or a line of bulbs encircling three sides of the headlights. If the latter, the video would be especially misleading. In any event, Officer Armstrong is clear in what he saw. His observation was corroborated by Mr. Guarniz's admission that he was not familiar with the controls and by the fact that he then proceeded to turn the headlights on.

CONCLUSION

For the above listed reasons, the clerk, by reference will make the following entry in the docket:

Defendant Fausto Guarniz's motion to suppress is DENIED in all respects.

Date: 10-16-13

W. S. Brodrick
William Brodrick
Justice, Superior Court, Active Retired