

STATE OF MAINE
CUMBERLAND, ss.

UNIFIED CRIMINAL DOCKET
CUMUCD-CR-13-2269

WSB - M - 1/24/2013

STATE OF MAINE,

v.

DECISION

MELISSA LYNCH,

Defendant

FINDINGS

1. On April 7, 2013 at approximately 1 a.m. in Westbrook, Sgt. Timothy Gardner observed a car driven by defendant Melissa Lynch execute a wide turn as she entered Harnois Avenue from Cumberland Street. The turn was wide enough that Ms. Lynch almost hit the curb.
2. Ms. Lynch over corrected as she tried to get back on track and then had to correct again before going west on Harnois Avenue.
3. Sgt. Gardner followed Ms. Lynch a short distance west on Harnois Avenue and Main Street and then observed Ms. Lynch make a non-fluid jerky right turn onto Locust Street.
4. Sgt. Gardner followed Ms. Lynch onto Locust Street and observed Ms. Lynch's car stopped in the middle of Locust Street at a 45-degree angle.
5. Sgt. Gardner then observed Ms. Lynch's car continue up Locust Street for a short distance and then disappear into a driveway.
6. Sgt. Gardner followed the Lynch vehicle into the driveway and used his cruiser to block ingress and egress by Ms. Lynch.


DISCUSSION

The only issue raised by Ms. Lynch is the legality of the stop. Assuming that Sgt. Gardner effected a stop when he blocked the driveway, I am satisfied that Sgt. Gardner had sufficient objectively articulable suspicion to detain Ms. Lynch for purposes of an operating under the influence investigation. Ms. Lynch made an unusually wide turn, corrected and then corrected again, made a jerky, non-fluid turn onto Locust Street and then stopped at a 45 degree angle in the middle of Locust Street before proceeding to her driveway. That kind of erratic driving at 1 a.m. is sufficient to justify an O.U.I. investigation.

For the above stated reasons, the clerk, by reference, will make the following entry on the docket.

Defendant Melissa Lynch's motion to suppress is denied in all respects.

DATED: August 26, 2013



William S. Brodrick
Active-Retired Justice, Superior Court