

STATE OF MAINE  
CUMBERLAND, ss.

UNIFIED CRIMINAL DOCKET  
DOCKET NO. CR-13-6695  
DON-CUM-3/12/2014

STATE OF MAINE

v.

ORDER ON MOTION TO SUPPRESS

IAN C. CHAPMAN,

Defendant

The Court has carefully considered the Defendant's Motion to Suppress.

The Court concludes that Sgt. Gardner presented credibly. Based upon the speed of Mr. Chapman's vehicle and the length of pursuit, it was objectively reasonable to execute the type of safety stop described in *Donatelli*.<sup>1</sup>

It is also important to note that once the reason for the safety stop had been investigated and it was clear Mr. Chapman was not an imminent threat, the level of intrusion de-escalated to that associated with an ordinary traffic stop. It was at this point that any interrogation related to the offense for which Mr. Chapman was ultimately charged occurred. Given this was at a stage consistent with an ordinary traffic stop and Mr. Gardner was told he was not under arrest, the Court concludes he was not in custody for *Miranda* purposes.<sup>2</sup>


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<sup>1</sup> While the Court concludes the actions of Sgt. Gardner were objectively reasonable, this is not to imply that Mr. Chapman's comment he was unaware he was being pulled over for a period in time was untrue. A review of the DVD indicates this was a situation whereupon differing perspectives of the events could have occurred.

<sup>2</sup> Because of this ruling, the Court does not examine the issues of which portions of the interactions between Mr. Chapman and Sgt. Gardner constituted interrogation for *Miranda* purposes.

Accordingly, the Motion to Suppress is denied.

Dated: March 12, 2014

  
\_\_\_\_\_  
John H. O'Neil, Jr.  
Justice, Superior Court

STATE OF MAINE  
vs  
IAN C CHAPMAN  
210 FOREST STEEET APT 3  
WESTBROOK ME 04092

CRIMINAL DOCKET  
CUMBERLAND, ss.  
Docket No CUMCD-CR-2013-06695

**DOCKET RECORD**

DOB: 11/29/1982

Attorney: TIMOTHY ZERILLO  
ZERILLO LAW OFFICES  
103 EXCHANGE STREET  
PO BOX 17721  
PORTLAND ME 04112  
RETAINED 10/08/2013

State's Attorney: STEPHANIE ANDERSON

**Charge(s)**

1 OPERATING UNDER THE INFLUENCE 09/26/2013 WESTBROOK  
Seq 11493 29-A 2411(1-A) (A) Class D  
GARDNER / WES

**Docket Events:**

09/27/2013 FILING DOCUMENT - NON CASH BAIL BOND FILED ON 09/27/2013

09/27/2013 Charge(s): 1  
HEARING - ARRAIGNMENT SCHEDULED FOR 11/19/2013 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

09/27/2013 BAIL BOND - \$2,500.00 UNSECURED BAIL BOND FILED ON 09/27/2013

Bail Amt: \$2,500  
Date Bailed: 09/26/2013  
837

10/08/2013 Party(s): IAN C CHAPMAN  
ATTORNEY - RETAINED ENTERED ON 10/08/2013

Attorney: TIMOTHY ZERILLO

10/09/2013 MOTION - MOTION TO AMEND BAIL FILED BY DEFENDANT ON 10/08/2013

10/09/2013 HEARING - MOTION TO AMEND BAIL SCHEDULED FOR 10/17/2013 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

10/09/2013 HEARING - MOTION TO AMEND BAIL NOTICE SENT ON 10/09/2013

10/17/2013 HEARING - MOTION TO AMEND BAIL HELD ON 10/17/2013

WILLIAM BRODRICK , JUSTICE  
Attorney: TIMOTHY ZERILLO  
DA: WILLIAM BARRY  
Defendant Present in Court

TAPE 5474

10/17/2013 MOTION - MOTION TO AMEND BAIL GRANTED ON 10/17/2013

WILLIAM BRODRICK , JUSTICE  
COPY TO PARTIES/COUNSEL  
AGREEMENT

GRANTED BY

CR\_200

10/17/2013 BAIL BOND - UNSECURED BAIL BOND AMENDED ON 10/17/2013  
WILLIAM BRODRICK , JUSTICE  
MODIFIED TO ALLOW THE USE OF ALCOHOLIC BEVERAGE BUT NOT TO USE TO EXCESS. SUBJECT TO  
SEARCH UPON REASONABLE ARTICULABLE SUSPICION.  
Date Bailed: 09/26/2013  
837

11/07/2013 Charge(s): 1  
SUPPLEMENTAL FILING - COMPLAINT FILED ON 11/06/2013

11/21/2013 Charge(s): 1  
HEARING - ARRAIGNMENT WAIVED ON 11/19/2013 at 08:30 a.m. in Room No. 1

11/21/2013 Charge(s): 1  
PLEA - NOT GUILTY ENTERED BY COUNSEL ON 11/19/2013 at 08:30 a.m. in Room No. 1

11/21/2013 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 02/06/2014 at 01:00 p.m. in Room No. 7

11/21/2013 Charge(s): 1  
TRIAL - JURY TRIAL SCHEDULED FOR 03/10/2014 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

01/23/2014 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 01/23/2014  
DEBBIE COOK , ASSISTANT CLERK

02/05/2014 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 02/04/2014

02/06/2014 MOTION - MOTION TO CONTINUE GRANTED ON 02/05/2014  
PAUL E EGGERT , JUDGE  
COPY TO PARTIES/COUNSEL

02/06/2014 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 02/05/2014  
PAUL E EGGERT , JUDGE

02/06/2014 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 02/20/2014 at 10:00 a.m. in Room No. 7

02/21/2014 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE NOT HELD ON 02/20/2014  
ROLAND A COLE , JUSTICE  
Attorney: TIMOTHY ZERILLO  
DA: JULIA SHERIDAN  
OFFER OPEN FOR 24HOURS. ATTY. TO FILE A MOTION TO SUPPRESS. HEARING SET 2-25-14 @ 1:00  
P.M. PARTIES NOTIFIED.

TAPE 5775

02/21/2014 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 02/20/2014

02/21/2014 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 02/25/2014 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

02/26/2014 MOTION - MOTION TO SUPPRESS UNDER ADVISEMENT ON 02/25/2014  
JOHN H ONEIL JR, JUDGE

02/26/2014 HEARING - MOTION TO SUPPRESS HELD ON 02/25/2014  
JOHN H ONEIL JR, JUDGE

Attorney: TIMOTHY ZERILLO  
DA: JULIA SHERIDAN  
TAPE 5766

02/28/2014 CASE STATUS - CASE FILE LOCATION ON 02/28/2014  
DANIELLE MERRILL , ASSISTANT CLERK  
FILE IS WITH JUSTICE ONEIL REGARDING MOTION TO SUPPRESS  
03/13/2014 CASE STATUS - CASE FILE RETURNED ON 03/13/2014  
DANIELLE MERRILL , ASSISTANT CLERK  
03/13/2014 Charge(s) : 1  
TRIAL - JURY TRIAL NOT HELD ON 03/13/2014  
  
03/13/2014 MOTION - MOTION TO SUPPRESS DENIED ON 03/12/2014  
JOHN H ONEIL JR, JUDGE  
COPY TO PARTIES/COUNSEL

A TRUE COPY

ATTEST: \_\_\_\_\_  
Clerk