

STATE OF MAINE
CUMBERLAND, SS
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2008 MAR -3 P 2: SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-07-1322 ✓
M. J. [unclear]

STATE OF MAINE

v.

ORDER ON DEFENDANT'S
MOTION TO SUPPRESS

ALONZA KEEL,

Defendant

The defendant argues that the consent to search apartment 409 at 240 Harvard Street in Portland on May 16, 2007 was tainted and all evidence obtained should be suppressed. The findings of fact made at the conclusion of the hearing are incorporated into this order by reference. For the following reasons, the motion to suppress is denied.

The defendant is charged with three counts of possession of illegal drugs allegedly found during the search at the Harvard street residence. The defendant has standing to challenge the search. See State v. Thibodeau, 317 A.2d 172, 176 (Me. 1974).

A search conducted after a valid consent is obtained is an exception to the warrant requirement. State v. Seamen's Club, 1997 ME 70, ¶ 7, 691 A.2d 1248, 1251. Michelle Boucher's consent was valid. Further, she had sufficient apparent authority to consent to the search of the residence. See Georgia v. Randolph, 547 U.S. 103, 110-11 (2006); State v. Thibodeau, 317 A.2d 172, 177-78 (Me. 1974).

The defendant signed the bail bond, which provided that he resided at the Harvard Street address and that he would submit to random searches of his person, vehicle and residence. His signature is a "sufficient manifestation of his voluntary

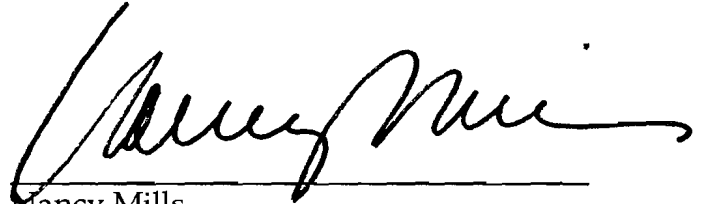
Attest: *Sally A. Bourget*
Clerk of Courts

consent to [the] search." He presented no evidence that the bail condition is unreasonable in this case. See State's Ex. 1; State v. Ullring, 1999 ME 183, ¶¶ 12, 19, 27, 741 A.2d 1065, 1068, 1071, 1073.

The entry is

The Defendant's Motion to Suppress is DENIED.

Date: February 26, 2008



Nancy Mills
Justice, Superior Court

A True Copy

Attest: *Sally A. Bangert*
Clerk of Courts