

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

SUPERIOR COURT
CRIMINAL ACTION
Docket No. CR-07-934
WSB-CUM-8/8/2007

STATE OF MAINE,

2007 AUG -8 P 12:03

v.

DECISION

KURT M. TABOR,

Defendant.

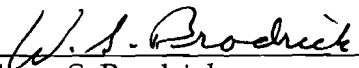
For the reasons stated on the record at hearing, defendant's affidavit does not contain the type of information that would entitle him to a testimonial hearing. The affidavit in no way suggests misrepresentation, omission or falsehood on the part of the warrant's affiant, Det. Brian Ackerman.

As to whether the four corners of Det. Ackerman's affidavit support the issuance of the warrant, they clearly do. The circumstances of the crash, Adam Grant's statement to Det. Ackerman, and the later statements of Mr. Berger and Mr. Murch combine to justify the warrant. The fact that considerable time has passed from the date of the accident to the request for the warrant means nothing. Some crimes are resolved quickly. Others take time. Having established probable cause that Mr. Tabor was driving the truck and that Mr. Tabor was under the influence, the State was justified in seeking the hospital records to see if his blood was analyzed for alcohol content.

The entry will be, by reference:

Defendant's motion to suppress is denied.

DATED: August 8, 2007



William S. Brodrick
Active-Retired Justice, Superior Court