

STATE OF MAINE

JON-CUM-4/11/2012

CUMBERLAND COUNTY
UNIFIED CRIMINAL COURT
Docket No. CR-12-460

State of Maine

ORDER ON MOTION

V.

Joseph Meuse

The State was represented by: ADA Michael Madigan

The Defendant was represented by: Jon Languet, Esq.

The court has carefully considered the following motions:

1. The Defendant's Motion to Suppress which was heard on April 10, 2012.

2. **The court concludes :**

On November 19, 2011 Freeport Officer Matthew Moorhouse received a call from dispatch indicating a vehicle was reported to be operating erratically on I-295 heading northbound from Yarmouth. No other identifying information was provided. Based upon the location and lack of any significant traffic at that time on I-295, Officer Moorhouse focused his attention on the vehicle being driven by Mr. Meuse which was taking Exit 20 into Freeport. Officer Moorhouse testified that he observed the vehicle being driven 10 to 15 mph slower than the posted speed and as it took the exit, he observed it to brake abruptly two to three times to slow down. Upon reaching the intersection at the end of the exit he observed it stop despite a green light. It then proceeded through the intersection and pulled off to the right.

Officer Moorhouse passed the vehicle and upon checking his rear view mirror elected to return to check on the driver. As he came back, the vehicle had resumed travel and he decided to pull it over. Contrary to the police report, a review of the DVD indicates Mr Meuse had activated his left blinker before the blue lights were activated. Mr Meuse uneventfully pulled to the right and stopped.

To allow a vehicle stop reasonable articulable suspicion is required. That suspicion can be that a

criminal violation has occurred or that a civil or traffic violation has occurred. *State v Webber* 759 A.2d 724 (Me. 2000). Further brief police intrusions based upon safety concerns are also lawful. *See e.g. State v. Gulick* 759 A.2d 1085 (Me. 2000).

Reasonable articulable suspicion is less proof than a preponderance or even probable cause and must exceed a hunch or speculation. *State v. Eklund* 760 A.2d 622 (Me. 2000).

While Officer Moorhouse was wrong about the timing of the blinker, the court concludes he was credible about his observations of Mr. Meuse's driving and these rose to the level of reasonable suspicion to allow a stop to investigate a potential crime and to assess the safety of Mr. Meuse's continued operation of his vehicle.

3. **THEREFORE, it is hereby ORDERED as follows:**

Motion to Suppress is denied.

The Clerk is directed to incorporate this order by reference on the docket.

Date:

4/11/12

20
Justice Maine Superior Court

STATE OF MAINE

vs

JOSEPH J MEUSE
18 WEST HAMLET ROAD
NEWCASTLE ME 04553

Docket No CUMCD-CR-2012-00460

DOCKET RECORD

DOB: 09/02/1953

Attorney: JON LANGUET
LANGUET LAW LLC
PO BOX 249
TOPSHAM ME 04086-0249
RETAINED 02/08/2012

State's Attorney: MICHAEL MADIGAN

Charge(s)

1 OPERATING UNDER THE INFLUENCE-NO TEST 11/19/2011 FREEPORT
Seq 11521 29-A 2411(1-A)(C)(1) Class D

Docket Events:

01/20/2012 Charge(s): 1
TRANSFER - PERMANENT TRANSFER EDI ON 01/20/2012 at 06:00 p.m.

TRANSFERRED CASE: SENDING COURT CASEID WESDCCR201101367
FILING DOCUMENT - NON CASH BAIL BOND FILED ON 11/22/2011

Charge(s): 1,2
HEARING - ARRAIGNMENT SCHEDULED FOR 01/17/2012 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

Charge(s): 1,2
HEARING - ARRAIGNMENT HELD ON 01/17/2012

RALPH TUCKER , JUDGE

Defendant Present in Court

DEFENDANT INFORMED OF CHARGES. 21 DAYS TO FILE MOTIONS
BAIL BOND - \$2,500.00 UNSECURED BAIL BOND FILED ON 11/22/2011

Bail Amt: \$2,500

Date Bailed: 11/19/2011

01/20/2012 BAIL BOND - UNSECURED BAIL BOND TRANSFERRED ON 01/20/2012

Date Bailed: 11/19/2011

Charge(s): 1
SUPPLEMENTAL FILING - COMPLAINT FILED ON 01/05/2012

Charge(s): 1
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 01/17/2012

Charge(s): 1
TRANSFER - PERMANENT TRANSFER GRANTED ON 01/17/2012

Charge(s): 1
TRANSFER - PERMANENT TRANSFER REQUESTED ON 01/17/2012

Charge(s): 1
FINDING - PERMANENT TRANSFER TRANSFERRED ON 01/20/2012

CUMCD

01/27/2012 Charge(s): 1

TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 01/24/2012
TERESA SAWYER-BLACK , ASSISTANT CLERK
WESDC CR-2011-1367

01/27/2012 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 03/15/2012 at 09:30 a.m. in Room No. 7

01/27/2012 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 01/27/2012

01/27/2012 Charge(s): 1

TRIAL - JURY TRIAL SCHEDULED FOR 04/23/2012 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

02/01/2012 NOTE - OTHER CASE NOTE ENTERED ON 02/01/2012

NOTICE OF DISPOSITIONAL DATE RETURNED UNDELIVERABLE

02/08/2012 Party(s): JOSEPH J MEUSE

ATTORNEY - RETAINED ENTERED ON 02/08/2012

Attorney: JON LANGUET

03/15/2012 HEARING - DISPOSITIONAL CONFERENCE HELD ON 03/15/2012

ROLAND A COLE , JUSTICE

Attorney: JON LANGUET

DA: MICHAEL MADIGAN

MOTION TO SUPPRESS TO BE FILED AND HEARD 4-10-12 @ 1:00

03/19/2012 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 04/10/2012 at 01:00 p.m.

NOTICE TO PARTIES/COUNSEL

03/19/2012 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 03/15/2012

04/12/2012 HEARING - MOTION TO SUPPRESS HELD ON 04/10/2012

JOHN H ONEIL JR, JUDGE

Attorney: JON LANGUET

DA: MICHAEL MADIGAN

TAPE 3771

DEFENDANTS EXHIBITS 1

& 2 OFFERED AND ADMITTED. AFTER HEARING MOTION TAKEN UNDER ADVISEMENT

04/12/2012 MOTION - MOTION TO SUPPRESS DENIED ON 04/11/2012

JOHN H ONEIL JR, JUDGE

COPY TO PARTIES/COUNSEL

04/12/2012 ORDER - COURT ORDER FILED ON 04/11/2012

JOHN H ONEIL JR, JUDGE

ORDER ON MOTION

A TRUE COPY

ATTEST: _____
Clerk