

SUPREME JUDICIAL COURT OF MAINE

State v. McPartland

36 A.3d 881 (Me. 2012) · Decided February 2, 2012

SUMMARY

Mallory McPartland appealed her conviction for operating under the influence after the denial of her motion to suppress evidence obtained following an OUI roadblock. The Maine Supreme Judicial Court held that reasonable articulable suspicion is required to refer a motorist stopped at a lawful sobriety checkpoint for secondary screening and affirmed the judgment based on the combination of McPartland’s admitted alcohol consumption, the early morning hour, and her elevated speed.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Silver, J.; Mead, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	February 2, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	McPartland entered a conditional guilty plea to operating under the influence after the suppression court denied her motion to suppress evidence obtained following an OUI sobriety checkpoint. She appealed the denial of suppression.
STANDARD OF REVIEW	The court reviewed the suppression court’s historical factual findings for clear error, giving them considerable deference, and reviewed de novo the legal conclusion whether the officer’s subjective suspicion was objectively reasonable. The finding that the officer subjectively suspected impairment was affirmed if supported by any competent evidence.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court decision establishing, as a matter of first impression in Maine, the reasonable-articulable-suspicion standard for referral to secondary screening after a lawful sobriety-checkpoint stop.
PARTIES	Mallory McPartland v. State of Maine

TOPICS

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suppression of evidence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. What constitutional standard governs an officer's decision to refer a motorist lawfully stopped at an OUI sobriety checkpoint to secondary screening?
2. Whether the officer had an objectively reasonable, articulable suspicion of impairment sufficient to justify McPartland's referral to secondary screening.

HOLDINGS

1. After a lawful initial sobriety-checkpoint stop, an officer must have an objectively reasonable, articulable suspicion that the motorist is impaired or that criminal conduct, a civil violation, or a threat to public safety has occurred, is occurring, or is about to occur before referring the motorist to secondary screening.
2. The totality of the circumstances—including McPartland's approach at approximately 2:00 a.m., her speed ten miles per hour above the posted limit, and her admission that she had consumed alcohol—provided an objectively reasonable, articulable suspicion that she was operating under the influence and justified secondary screening.

KEY QUOTATIONS

“we conclude that an officer questioning a motorist stopped at the initial roadblock must have an objectively reasonable basis for suspecting that the motorist is driving under the influence before the officer can refer the motorist to secondary screening for impairment.” (36 A.3d at 885)

“The totality of the circumstances in this case created a reasonable articulable suspicion that McPartland was operating her vehicle under the influence of intoxicating substances that was sufficient to justify the secondary screening.” (36 A.3d at 886)

FACTUAL BACKGROUND

The Old Town Police Department operated an OUI sobriety checkpoint on Stillwater Avenue between approximately 9:00 p.m. and 3:00 a.m., stopping every vehicle and conducting brief conversations with drivers. At approximately 2:00 a.m., Officer Christine McAvoy observed McPartland approach the checkpoint at an estimated thirty-five miles per hour in a twenty-five-mile-per-hour zone, although McPartland stopped properly and displayed no other obvious signs of alcohol consumption. McPartland stated that she had consumed a martini at approximately 10:00 p.m., after which McAvoy directed her to secondary screening for additional questioning and sobriety testing.

PROCEDURAL HISTORY

The Unified Criminal Docket in Bangor denied McPartland's motion to suppress evidence arising from her referral to secondary screening at an OUI roadblock. McPartland then entered a conditional guilty plea and appealed pursuant to 15 M.R.S. § 2115, U.C.D.R.P.—Bangor 11(a)(2), and Maine Rule of Appellate Procedure 2. The Supreme Judicial Court of Maine affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Michigan Department of State Police v. Sitz, 496 U.S. 444, 450-51 (1990)
- United States v. William, 603 F.3d 66, 70 (1st Cir. 2010)
- Mullinax v. State, 327 Ark. 41, 938 S.W.2d 801, 806 (1997)
- People v. Bruni, 406 Ill. App. 3d 165, 346 Ill. Dec. 84, 940 N.E.2d 84, 86-87 (2010)
- Commonwealth v. Murphy, 454 Mass. 318, 910 N.E.2d 281, 287-89 (2009)
- Commonwealth v. Bazinet, 76 Mass. App. Ct. 908, 924 N.E.2d 755, 757 (2010)
- State v. Eggleston, 109 Ohio App. 3d 217, 671 N.E.2d 1325, 1331 (1996)
- State v. King, 2009 ME 14, ¶ 6, 965 A.2d 52
- State v. Wood, 662 A.2d 919, 920 (Me. 1995)
- State v. Kent, 2011 ME 42, ¶¶ 4, 11-13, 15 A.3d 1286
- State v. Leighton, 551 A.2d 116, 117-19 (Me. 1988)
- State v. Sylvain, 2008 ME 5, ¶¶ 7-11, 13, 814 A.2d 984
- State v. Brown, 675 A.2d 504, 505 (Me. 1996)
- State v. Menard, 2008 ME 69, ¶¶ 2, 12, 822 A.2d 1143
- State v. Webster, 2000 ME 115, ¶ 7, 754 A.2d 976
- State v. Bradley, 658 A.2d 236, 237 (Me. 1995)
- State v. McMahon, 557 A.2d 1324, 1325-26 (Me. 1989)
- State v. Gorman, 2004 ME 90, ¶ 41, 854 A.2d 1164