

STATE OF MAINE

v.

DANA R. SPINNEY

Submitted on Briefs January 27, 2011  
Decided February 3, 2011

Panel: ALEXANDER, LEVY, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Dana R. Spinney appeals from a judgment of conviction entered in the Superior Court (York County, *Brennan, J.*) on his conditional guilty plea for criminal operating under the influence (Class C), 29-A M.R.S. § 2411 (2010). The officer witnessed Spinney (1) travel briefly into the far right area of the roadway; (2) turn into the driveway of a property of another; (3) appear to be driving in excess of the speed limit; and (4) fail to apply the brakes prior to turning into the driveway. As a result, the stop was justified under the “community caretaking” rationale, because a police officer may stop and warn a driver who is demonstrating improper driving behavior not worthy of a citation for a traffic infraction. *See State v. Pinkham*, 565 A.2d 318, 319-20 (Me. 1989).

The entry is:

Judgment affirmed.

---

**Attorney for Dana R. Spinney:**

Matthew D. Bowe, Esq.  
80 Exchange Street, Suite 400  
Portland, Maine 04101

**Attorneys for the State of Maine:**

Mark W. Lawrence, District Attorney  
Thaddeus W. West, Asst. Dist. Atty.  
Prosecutorial District #1  
York County Courthouse  
Alfred, Maine 04002

York County Superior Court docket number CR-2009-556  
FOR CLERK REFERENCE ONLY