

STATE OF MAINE

v.

DEZARAE MCPHEE

Submitted on Briefs November 25, 2024

Decided December 17, 2024

Panel: STANFILL, C.J., and HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Dezarae McPhee appeals from a judgment of conviction of criminal OUI (Class D), 29-A M.R.S. § 2411(1-A)(A) (2024), and endangering the welfare of a child (Class D), 17-A M.R.S. § 554(1)(C) (2024), entered by the trial court (Knox County, *Hjelm, A.R.J.*) after McPhee entered a conditional plea of guilty following the denial of McPhee's motion to suppress. *See* M.R.U. Crim. P. 11(a)(2). Contrary to McPhee's contention, the court did not err in concluding that the police officer had an objectively reasonable articulable suspicion of criminal activity or a safety concern.¹ *See State v. Barclift*, 2022 ME 50, ¶¶ 8, 18, 282 A.3d 607; *State v. Littlefield*, 677 A.2d 1055, 1057-58 (Me. 1996); *State v. Wilcox*, 2023 ME 10, ¶¶ 12-14, 288 A.3d 1200; *State v. Pinkham*, 565 A.2d 318, 319-20 (Me. 1989).

¹ We address McPhee's arguments pursuant to only the United States Constitution, as McPhee failed to preserve or develop a claim under the Maine Constitution. *See State v. Norris*, 2023 ME 60, ¶¶ 33-34, 36, 302 A.3d 1.

The entry is:

Judgment affirmed.

Jeremy Pratt, Esq., and Ellen Simmons, Esq., Camden, for appellant Dezaræ McPhee

Christopher R. Fernald, Asst. Dist. Atty., and Rachel Klotz, Stud. Atty.,
Prosecutorial District Six, Rockland, for appellee State of Maine

Knox County Unified Criminal Docket docket number CR-2023-186
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