

STATE OF MAINE

v.

WILLIAM CONLEY III

Submitted on Briefs October 6, 2000  
Decided November 3, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

William Conley III appeals from the judgment of conviction entered in the Superior Court (Cumberland County, *Crowley, J.*) on his conditional plea of guilty pursuant to M.R. Crim. P. 11(a)(2) to the offenses of operating under the influence (Class D), 29-A M.R.S.A. § 2411 (1996 & Supp. 1999) and failure to report an accident (Class E), 29-A M.R.S.A. § 2251 (1996 & Supp. 1999). Conley contends that the District Court (Portland, *Powers, J.*) erred by denying his pretrial motion to suppress evidence because the officers that came to his house to investigate the accident did not have valid consent to enter his house, and the District Court improperly shifted the burden of proving consent from the State to Conley. The District Court's finding that Conley's mother consented to the officers' entrance to Conley's house, including the kitchen and bedroom, is not clearly erroneous, and the court did not shift the burden of proving consent to Conley. The evidence was sufficient to support the finding that the State proved by a preponderance of

the evidence that an objective manifestation of consent was given freely and voluntarily by word or gesture. *State v. Seamen's Club*, 1997 ME 70, ¶ 7, 691 A.2d 1248, 1251.

The entry is:

Judgment affirmed.

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