

STATE OF MAINE

v.

JASON LIBBY

Submitted on Briefs October 31, 2002  
Decided November 22, 2002

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

MEMORANDUM OF DECISION

Jason Libby appeals from his conviction of operating under the influence (Class D), 29-A M.R.S.A. § 2411(1) (1996), entered in the Superior court (Penobscot County, *Mills, C.J.*) following the entry of his conditional plea of guilty pursuant to M.R. Crim. P. 11(a)(2). Libby challenges the denial of his motion to suppress evidence entered in the District Court (Bangor, *Russell, J.*). Contrary to Libby's contention, the specific and articulable facts that existed, *i.e.*, Libby's operating his vehicle at an excessive speed, the odor of alcohol on Libby's breath, and his admission that he had consumed alcohol, gave rise to an objectively reasonable suspicion that Libby was operating his motor vehicle under the

influence, thereby justifying the arresting officer's requirement that Libby undergo field sobriety tests. *See State v. Pike*, 642 A.2d 145, 147 (Me. 1994).

The entry is:

Judgment affirmed.

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