

STATE OF MAINE

v.

BARRY E. OWENS

Submitted on Briefs November 26, 2002
Decided December 20, 2002

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

MEMORANDUM OF DECISION

The State of Maine appeals from a judgment entered in District Court (Skowhegan, *Clapp, J.*) granting Barry Owens’s motion to suppress all evidence obtained from him after he was placed under arrest for operating a snowmobile while under the influence of intoxicants in violation of 29-A M.R.S.A. § 2411(1)(A), (5)(A)(3)(b) (1996 & Supp. 2002). Contrary to the State’s contention, the court did not clearly err in concluding that the warden lacked “reasonably trustworthy information” to objectively believe that Mr. Owens had been operating a snowmobile that evening. *State v. Forsyth*, 2002 ME 75, ¶ 10,

795 A.2d 66, 69-70 (citations omitted). Thus, the warden lacked probable cause to arrest the defendant. *Id.*

The entry is:

Judgment affirmed.

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Appellee did not file a brief.