COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

Malden District Court
Docket 1850 CR 2548

COMMONWEALTH

v.

[redacted]

RULING ON MOTION TO SUPPRESS

The defendant, [redacted] moves to suppress evidence and statements obtained by the Wakefield Police after his motor vehicle was stopped in his driveway on January 21, 2018. The Defendant's motion is allowed, based on the following facts.

On January 21, 2018, at about 1:15 a.m., Officer Matthew Powers of the Wakefield Police was in his marked cruiser traveling north on North Avenue, when he saw a gray SUV in the southbound lane cross over the so-called "fog line.." The passenger side tires of the vehicle completely crossed over the line. The officer ran the vehicle's license plate, then reversed direction and began to follow the gray SUV, without activating the cruiser's blue lights..

The officer followed the gray SUV for approximately one and one-half miles, over railroad tracks, and making a number of turns until it pulled into the driveway of the defendant's residence. During the time the officer observed the vehicle, it did not cross over or straddle the center line of any roadway. It did not endanger any other vehicle. The officer did not note any other motor vehicle infractions.

As the SUV pulled into the driveway, Officer Powers pulled his cruiser up, blocking the SUV in the driveway. He approached the operator and asked for his license and registration. The license identified the operator as the defendant, [redacted] The officer asked the defendant whether he had been drinking, and the defendant told him that he had consumed two beers. The officer asked where the defendant was coming from, and the defendant said he had ben at a pool hall with friends. The defendant asked why he had been stopped, and the officer replied that he had committed a marked lanes violation. The defendant said he was a teacher and had done nothing wrong.

The officer noted that the defendant was unsteady on his feet, had bloodshot and glassy eyes, and had an odor of alcohol on his breath. He asked the defendant to perform field sobriety tests, but the defendant refused. He began to walk away, back toward his house, and the officer placed him under arrest. In the cruiser, the defendant continued to argue with the officer, calling him names and questioning the arrest.

The officer here did not have reasonable suspicion sufficient to justify stopping the defendant's vehicle or questioning the defendant. A single slight crossing of the fog line does not constitute a violation of the so-called marked lanes statute, M.G.L. Chapter 89, Section 4A. Coupled with the fact that the officer followed the defendant's vehicle for one and one-half miles through a residential area, crossing railroad tracks and making several turns, the stop was not warranted.

For these reasons, the defendant's Motion to Suppress is allowed, and all evidence obtained as a result of the unlawful stop is suppressed..

James L. LaMothe, Jr.
District Court Judge

Dated: May 6, 2019