

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Steven E. Clarke

2015 ME 70 (2015) · No. Kno-14-237 · Decided June 9, 2015

SUMMARY

The Maine Supreme Judicial Court affirmed Steven E. Clarke’s convictions for tampering with a witness and violating a condition of release. The court held that evidence of Clarke’s statements suggesting that a witness miss court or remain silent was sufficient to support the witness-tampering conviction, and it declined to consider Clarke’s unpreserved challenge to the indictment.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	June 9, 2015
DOCKET	Kno-14-237
DISPOSITION	affirmed
PROCEDURAL POSTURE	Clarke appealed from a judgment of conviction entered after a jury trial for tampering with a witness and violating a condition of release.
STANDARD OF REVIEW	The court viewed the trial evidence and all reasonable inferences in the light most favorable to the State and considered whether the evidence would permit a rational fact-finder to find each element of the offense beyond a reasonable doubt. The indictment challenge was unpreserved because Clarke did not raise it before trial or seek a bill of particulars.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Steven E. Clarke v. State of Maine

TOPICS

criminal procedure evidence burden of proof preservation of error appellate procedure

PRACTICE AREAS

Criminal law Criminal procedure Evidence Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Clarke's conviction for tampering with a witness under 17-A M.R.S. § 454(1)(A)(2).
2. Whether Clarke's challenge to the sufficiency of the indictment could be considered when he failed to raise it before trial or seek a bill of particulars.

HOLDINGS

1. The evidence was sufficient for reasonable jurors to find beyond a reasonable doubt that Clarke attempted to induce a witness to withhold testimony, information, or evidence.
2. A conviction for witness tampering under section 454(1)(A)(2) does not require proof that the defendant expressly threatened the witness, that the witness felt threatened, or that the defendant successfully affected the witness's testimony.
3. The court declined to address Clarke's challenge to the indictment because he neither challenged the indictment before trial nor sought a bill of particulars.

KEY QUOTATIONS

“The statute does not require the State to prove that Clarke threatened the witness in any way, or that Clarke was successful in affecting the witness’s testimony.” (¶ 7)

“This testimony, including all reasonable inferences regarding Clarke’s intent, constitutes a sufficient basis on which reasonable jurors could find, beyond a reasonable doubt, that Clarke committed each element of tampering with a witness.” (¶ 6)

FACTUAL BACKGROUND

Clarke was charged with driving to endanger, and a man who observed the underlying conduct was subpoenaed as a witness. Before trial, Clarke went to the witness's workplace, discussed the pending case and possible penalties, suggested that the witness could miss the court date, and told him to remain quiet and say nothing. The witness reported the incident to the District Attorney's office.

PROCEDURAL HISTORY

Clarke was indicted in Knox County Superior Court and pleaded not guilty. After a jury trial, he was convicted of tampering with a witness; based on that conviction, the court found him guilty of violating a condition of release. The court sentenced him to twelve months in prison for tampering and four concurrent months for violating the release condition. The Maine Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Wyman, 2015 ME 2, ¶ 15, 107 A.3d 1134

- State v. Shea, 588 A.2d 1195, 1195 (Me. 1991)
- State v. Perkins, 2014 ME 159, ¶ 13, 107 A.3d 636
- State v. Seymour, 461 A.2d 1060, 1062 (Me. 1983)
- State v. Reardon, 486 A.2d 112, 118-119 (Me. 1984)

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