

SUPREME JUDICIAL COURT OF MAINE

State v. Labbe, 2009 ME 94

979 A.2d 693 (Me. 2009) · No. Som-08-645 · Decided August 27, 2009

SUMMARY

The Supreme Judicial Court of Maine considered whether prosecuting Michael Labbe for violation of a condition of release after he pleaded guilty to operating while his license was suspended violated the Double Jeopardy Clause. The court held that the charges were prosecuted in a single proceeding and that Maine law clearly authorized cumulative punishment for the offenses. The court vacated the dismissal and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.; Saufley, C.J.; Clifford, J.; Alexander, J.; Levy, J.; Mead, J.; Gorman, J.
JURISDICTION	Maine
DECIDED	August 27, 2009
DOCKET	Som-08-645
DISPOSITION	vacated
PROCEDURAL POSTURE	The State appealed from a District Court judgment dismissing a charge of violation of condition of release on double-jeopardy grounds after Labbe pleaded guilty to operating while his license was suspended.
STANDARD OF REVIEW	De novo review applies because the appeal involves interpretation of constitutional and statutory provisions.
PRECEDENTIAL VALUE	published
PARTIES	State of Maine v. Michael Labbe

TOPICS

- double jeopardy
- criminal procedure
- constitutional law
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether prosecution of the operating-after-suspension charge and the violation-of-condition-of-release charge occurred in a single proceeding for purposes of the Double Jeopardy Clause.
2. Whether prosecuting and imposing cumulative punishment for the two charges violated the constitutional protection against multiple punishments for the same offense.
3. Whether Maine statutes clearly manifested legislative intent to permit cumulative punishment for violation of condition of release and the underlying new criminal conduct.

HOLDINGS

1. The prosecution of the operating-after-suspension charge and the violation-of-condition-of-release charge occurred in a single proceeding, so Labbe was not subjected to a second prosecution for the same offense after conviction.
2. Cumulative punishment for the violation-of-condition-of-release offense and the underlying operating-after-suspension offense was constitutionally permissible because the charges were prosecuted in a single proceeding and the Legislature intended to permit cumulative punishment.
3. State v. Thornton and State v. Poulin did not preclude prosecution of the violation-of-condition-of-release charge because those cases did not analyze the multiple-punishments aspect of double jeopardy or legislative intent.

KEY QUOTATIONS

“The Double Jeopardy Clause provides three protections: (1) it “protects against a second prosecution for the same offense after acquittal”; (2) it “protects against a second prosecution for the same offense after conviction”; and (3) it “protects against multiple punishments for the same offense.” (979 A.2d at 694)

“With respect to cumulative sentences imposed in a single trial, the Double Jeopardy Clause does no more than prevent the sentencing court from prescribing greater punishment than the legislature intended.” (979 A.2d at 696)

FACTUAL BACKGROUND

Labbe was subject to a condition of release requiring him to refrain from committing new criminal conduct. While on release, he operated a motor vehicle while his license was suspended. The State charged him both with the underlying operating-after-suspension offense and with violating the condition of release based on that conduct. Labbe pleaded guilty to the underlying offense but sought dismissal of the release-condition charge on double-jeopardy grounds.

PROCEDURAL HISTORY

Labbe was charged with operating while his license was suspended and violating a condition of release. At arraignment, he pleaded guilty to the operating-after-suspension charge and received a jail sentence and fine; he pleaded not guilty to the release-condition charge. The District Court granted his motion to dismiss the latter charge on double-jeopardy grounds. The State appealed, and the Supreme Judicial Court of Maine vacated and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The judgment dismissing the violation-of-condition-of-release charge was vacated, and the matter was remanded for further action consistent with the opinion.

CASES CITED

- McGee v. Secretary of State, 2006 ME 50, 896 A.2d 933 (Me. 2006)
- State v. Jordan, 1998 ME 174, 716 A.2d 1004 (Me. 1998)
- Benton v. Maryland, 395 U.S. 784, 794 (1969)
- Ohio v. Johnson, 467 U.S. 493 (1984)
- Brown v. Ohio, 432 U.S. 161 (1977)
- United States v. Henry, 519 F.3d 68 (1st Cir. 2008)
- United States v. Dixon, 509 U.S. 688 (1993)
- Missouri v. Hunter, 459 U.S. 359 (1983)
- State v. Thornton, 540 A.2d 773 (Me. 1988)
- State v. Poulin, 538 A.2d 278 (Me. 1988)