

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Kailie Brackett

Brackett, 2026 ME 9 (Supreme Judicial Court of Maine 2026) · No. Was-24-231 · Decided February 5, 2026

SUMMARY

Kailie Brackett appealed her murder conviction, challenging the sufficiency of the evidence, admission of expert testimony, and prosecutorial conduct. The Maine Supreme Judicial Court vacated the conviction and remanded for a new trial, holding that the trial court erred in admitting testimony under Maine Rule of Evidence 702 concerning the identification of a partial, sock-clad footprint, and that the error was magnified by the State's closing and rebuttal arguments.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Connors, J.; Stanfill, C.J.; Mead, J.; Lawrence, J.; Douglas, J.; Lipez, J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	February 5, 2026
DOCKET	Was-24-231
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed her murder conviction and sentence following a jury trial. The sentence appeal was granted by the Sentence Review Panel and automatically merged with the direct appeal.
STANDARD OF REVIEW	The court reviews a trial court's foundational finding that expert testimony is sufficiently reliable for clear error and its ultimate admissibility decision for abuse of discretion. Sufficiency of the evidence is reviewed by viewing the evidence in the light most favorable to the prosecution and determining whether any rational fact-finder could find every element beyond a reasonable doubt. Preserved evidentiary objections are reviewed under the applicable expert-admissibility standard; prosecutorial error is disregarded only if it does not affect substantial rights.
PRECEDENTIAL VALUE	Published and precedential opinion of the Supreme Judicial Court of Maine.
PARTIES	Kailie Brackett v. State of Maine

TOPICS

expert testimony

evidence

criminal procedure

harmless error

appellate procedure

PRACTICE AREAS

Criminal law

Evidence

Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence, excluding the challenged footprint-comparison testimony, was sufficient to sustain Brackett's murder conviction.
2. Whether the trial court erred under Maine Rule of Evidence 702 by admitting forensic podiatry testimony comparing partial, bloody, sock-clad footprints.
3. Whether the prosecutor's characterization of the footprint testimony as showing that Brackett's footprints were found at the scene compounded the evidentiary error and required a new trial.
4. Whether the court needed to address Brackett's sentencing and other appellate arguments after vacating the conviction.

HOLDINGS

1. The evidence, viewed in the light most favorable to the State and excluding the footprint-comparison evidence, was sufficient to sustain Brackett's murder conviction.
2. Under Maine Rule of Evidence 702, the proponent of expert testimony must establish that the testimony is useful to the jury, that the expert is qualified, and that the testimony rests on a threshold level of reliable scientific methodology. The trial court erred in admitting the podiatrist's testimony because the State failed to establish a reliable methodology and the opinion was not articulated in a clear, useful, and replicable manner.
3. The admission of unreliable and unclear footprint testimony, combined with the prosecutor's mischaracterization of that testimony as establishing that Brackett's footprints were found at the scene, affected substantial rights and required vacatur of the conviction and a new trial.
4. A retrial is permitted because the evidence, excluding the improperly admitted footprint testimony, was sufficient to support the conviction, and double jeopardy therefore does not bar a new trial.

KEY QUOTATIONS

"A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if such testimony will help the trier of fact to understand the evidence or to determine a fact in issue." (§ 62)

"Trial courts must act as gatekeepers to ensure that expert evidence is reliable, useful, and understandable to the jury." (§ 87)

"The State must then take care not to overstate the conclusions of any expert evidence that is admitted." (§ 87)

FACTUAL BACKGROUND

Kimberly Neptune was found dead in her apartment after suffering 484 sharp-force injuries. Evidence connecting Brackett to the crime included her close relationship with Neptune, statements concerning money Neptune allegedly owed, withdrawals and purchases made with Neptune's bank card, surveillance evidence, and knowledge of where Neptune kept Xanax. The State also presented a podiatrist's comparison of partial, bloody, sock-clad footprints from the crime scene with prints taken from Brackett while incarcerated, but the expert used no recognized or replicable methodology and characterized the evidence as only "moderate."

PROCEDURAL HISTORY

Brackett was indicted for intentional, knowing, or depraved-indifference murder and tried before a jury. The jury found her guilty, while it deadlocked on co-defendant Donnell Dana Jr. The trial court sentenced Brackett to fifty-five years in prison and ordered \$952.50 in restitution. The Supreme Judicial Court vacated the judgment and remanded for a new trial because the trial court improperly admitted forensic podiatry testimony and the prosecutor materially overstated that testimony in closing and rebuttal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment is vacated and the matter is remanded for further proceedings consistent with the opinion, including a new trial. Nirenberg's footprint-comparison testimony must be excluded at retrial.

CASES CITED

- State v. Fyans, 2025 ME 78, ¶ 9, 345 A.3d 18
- State v. Edwards, 2024 ME 55, ¶ 17, 320 A.3d 387
- State v. Mazerolle, 614 A.2d 68, 74 (Me. 1992)
- State v. Shirey, 2020 ME 136, n.4, 242 A.3d 1103
- Searles v. Fleetwood Homes of Pa., Inc., 2005 ME 94, ¶¶ 22-23, 878 A.2d 509
- State v. Williams, 2020 ME 128, ¶¶ 25-26, 241 A.3d 835
- State v. Bickart, 2009 ME 7, ¶¶ 14-15, 963 A.2d 183
- State v. Irving, 2003 ME 31, ¶ 12, 818 A.2d 204
- State v. Rourke, 2017 ME 10, ¶¶ 11, 13, 154 A.3d 127
- United States v. Lewis, 442 F. Supp. 3d 1122, 1145 (D. Minn. 2020)
- State v. Fleming, 1997 ME 158, ¶¶ 11, 16, 698 A.2d 503
- State v. Tellier, 526 A.2d 941, 944 (Me. 1987)
- State v. Farley, 2024 ME 52, ¶ 32, 319 A.3d 1080
- State v. Mooney, 2012 ME 69, ¶ 16, 43 A.3d 972
- State v. Mangos, 2008 ME 150, ¶ 15, 957 A.2d 89

- State v. Smith, 456 A.2d 16, 19 (Me. 1983)
- United States v. Frazier, 387 F.3d 1244, 1263 (11th Cir. 2004)
- United States v. Arenal, 768 F.2d 263, 270 (8th Cir. 1985)
- State v. Boutilier, 426 A.2d 876, 879 (Me. 1981)
- Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 588, 597 (1993)
- McCrory v. Alabama, 144 S. Ct. 2483, 2484 (2024)
- Commonwealth v. Rintala, 174 N.E.3d 249, 264 (Mass. 2021)
- State v. Dahood, 814 A.2d 159, 161-62 (N.H. 2002)

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