

SUPREME JUDICIAL COURT OF MAINE

State v. Hurd, 2010 ME 118

8 A.3d 651 (2010) · No. Fra-09-560 · Decided November 16, 2010

SUMMARY

The Maine Supreme Judicial Court vacated Ryan Hurd's aggravated OUI conviction after the trial court allowed a discharged jury to reconvene and change its announced not-guilty verdict to guilty on an accomplice-liability theory. The court held that M.R. Evid. 606(b) barred post-discharge inquiry into the jury's deliberative process and prevented the jury from impeaching or altering its original verdict absent outside influence or external juror misconduct. The case was remanded for entry of the original not-guilty verdict.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Saufley, C.J.; Levy, J.; Silver, J.; Mead, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	November 16, 2010
DOCKET	Fra-09-560
DISPOSITION	vacated
PROCEDURAL POSTURE	Hurd appealed from a judgment of conviction for aggravated operating under the influence after the trial court accepted an original not-guilty verdict, discharged the jury, reconvened it, and accepted a subsequent guilty verdict based on accomplice liability.
STANDARD OF REVIEW	The court applied legal rules governing post-discharge jury communications and interpretation of M.R. Evid. 606(b). The sufficiency-of-the-evidence challenge was considered under the rule that evidence is viewed in the light most favorable to the State.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ryan A. Hurd v. State of Maine

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QUESTIONS PRESENTED

1. Whether a trial court may, after accepting a jury's not-guilty verdict and discharging the jury, question the jury about its deliberations, reconvene it, and accept a different guilty verdict.
2. Whether M.R. Evid. 606(b) prohibits post-discharge inquiry into jury confusion or an alleged mistake in reporting a verdict in a criminal case.
3. Whether a jury must unanimously agree that a defendant acted as a principal or as an accomplice when it is unanimous that the charged crime was committed.
4. Whether the trial court erred in instructing the jury on accomplice liability for aggravated OUI.

HOLDINGS

1. After a court accepts a verdict and discharges the jury, it may not inquire into the jury's deliberative process, reconvene the jury, and accept a different verdict based on alleged confusion or a mistake in reporting the original verdict, absent an inquiry permitted by M.R. Evid. 606(b), such as whether extraneous prejudicial information or outside influence affected the jury.
2. When a crime may be committed as either a principal or an accomplice, the jury must unanimously find that the crime was committed and that each element was proved beyond a reasonable doubt, but need not unanimously agree on whether the defendant was guilty as a principal or as an accomplice.

KEY QUOTATIONS

“Because, after accepting a not guilty verdict and discharging the jury, the court could not question the jury further about its verdict, reconvene the jury, conduct a further inquiry of the jury, and accept a guilty verdict in place of the not guilty verdict, we vacate the judgment.” (8 A.3d at 652-653)

“After a jury is discharged, no court can then inquire into the extent to which the jurors may have been confused in rendering the verdict, or did or did not remain together and continue to act as a “single body” after being discharged, or whether or not they actually deliberated after being discharged and before contacting the court with concerns about the verdict.” (8 A.3d at 662)

FACTUAL BACKGROUND

Hurd, Chad Bernier, and Terry Richardson drank alcohol after work and later went to a bar. While returning in Hurd's vehicle, the driver traveled at more than ninety miles per hour, lost control, and crashed; Richardson died and Bernier was injured. Witnesses and participants gave conflicting accounts of whether Hurd or Richardson was driving, and Hurd made several inconsistent statements about the driver's identity.

PROCEDURAL HISTORY

Hurd was indicted for manslaughter, aggravated OUI, and OUI. The State dismissed the OUI count during trial. After a six-day jury trial, the jury returned not-guilty verdicts on manslaughter and aggravated OUI and was

discharged. The court then questioned and reconvened the jury, which returned a guilty verdict on aggravated OUI as an accomplice. The trial court denied Hurd's motion to reinstate the original not-guilty verdict, entered judgment, and imposed sentence; Hurd appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Superior Court was directed to vacate the judgment of conviction and enter the jury's original verdict of not guilty on Count II, aggravated OUI.

CASES CITED

- State v. Bruzzese, 2009 ME 61, 974 A.2d 311
- State v. Stratton, 591 A.2d 246 (Me. 1991)
- State v. Nguyen, 2010 ME 14, 989 A.2d 712
- Ma v. Bryan, 2010 ME 55, 997 A.2d 755
- Taylor v. Lapomarda, 1997 ME 216, 702 A.2d 685
- Cyr v. Michaud, 454 A.2d 1376 (Me. 1983)
- Marr v. Shores, 495 A.2d 1202 (Me. 1985)
- Patterson v. Rossignol, 245 A.2d 852 (Me. 1968)
- Tanner v. United States, 483 U.S. 107 (1987)
- McDonald v. Pless, 238 U.S. 264 (1915)
- State v. Elliott, 2010 ME 3, 987 A.2d 513
- State v. Erskine, 2006 ME 5, 889 A.2d 312
- State v. St. Pierre, 1997 ME 107, 693 A.2d 1137
- Richardson v. United States, 526 U.S. 813 (1999)
- United States v. Hernandez-Albino, 177 F.3d 33 (1st Cir. 1999)
- United States v. Briggs, 291 F.3d 958 (7th Cir. 2002)
- United States v. Gonzales, 227 F.3d 520 (6th Cir. 2000)
- United States v. Ford, 840 F.2d 460 (7th Cir. 1988)
- Government of the Virgin Islands v. Nicholas, 759 F.2d 1073 (3d Cir. 1985)
- State v. Whittier, 21 Me. 341 (1842)