

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. David P. Hunt Jr.

2023 ME 26 (2023) · No. And-22-105 · Decided April 18, 2023

SUMMARY

The Maine Supreme Judicial Court affirmed David P. Hunt Jr.'s convictions for two counts of gross sexual assault and two counts of unlawful sexual contact. The court held that the trial court did not abuse its discretion by denying a continuance to obtain out-of-state counseling records and did not violate the Confrontation Clause by requiring trial participants to wear masks. The court also rejected Hunt's claims of prosecutorial error and evidentiary error.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Andrew M. Mead, J.; Joseph M. Jabar, J.; Andrew M. Horton, J.; Catherine R. Connors, J.; Robert W. Clifford, A.R.J.
JURISDICTION	Maine
DECIDED	April 18, 2023
DOCKET	And-22-105
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hunt appealed from a jury-trial judgment convicting him of two counts of gross sexual assault and two counts of unlawful sexual contact. He challenged the denial of a continuance, the trial court's masking requirement, prosecutorial arguments, and several evidentiary rulings.
STANDARD OF REVIEW	Denial of a continuance is reviewed for abuse of discretion, with consideration of prejudice to substantial rights; procedural rulings implicating due process are reviewed for fundamental fairness. Confrontation Clause issues are reviewed de novo. Unpreserved prosecutorial-error claims are reviewed for obvious error, and denial of a mistrial is reviewed for abuse of substantial discretion, requiring exceptionally prejudicial circumstances or prosecutorial bad faith. Evidentiary rulings are reviewed for clear error and abuse of discretion, depending on the issue.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion or violated due process by denying Hunt's motion to continue the trial so he could further pursue the victim's Massachusetts counseling and child-protective-services records.
2. Whether requiring Hunt, the victim, and other trial participants to wear masks during the COVID-19 pandemic violated Hunt's Sixth Amendment right of confrontation.
3. Whether the prosecutor committed error during opening statement and closing and rebuttal arguments by shifting the burden of proof, urging a guilty verdict improperly, or vouching for the victim's credibility.
4. Whether the trial court abused its discretion or otherwise erred in denying a mistrial based on testimony about fragmented memories of trauma.
5. Whether the trial court improperly admitted the school nurse's testimony that the victim's somatic symptoms made sense after the nurse learned of the victim's disclosure.
6. Whether evidence of Hunt's uncharged sexual assaults occurring outside Maine was admissible for permissible noncharacter purposes.
7. Whether the trial court improperly limited Hunt's proposed use of communications with the victim's mother to establish a motive for the victim to lie.

HOLDINGS

1. The trial court did not abuse its discretion or violate due process by denying Hunt's day-before-trial request for another continuance to pursue Massachusetts records.
2. Requiring participants in Hunt's trial to wear masks covering the nose and mouth did not violate the Sixth Amendment because the witnesses were physically present, under oath, subject to cross-examination, and sufficiently observable by the jury.
3. The prosecutor's opening statement and closing and rebuttal arguments did not constitute prosecutorial error, obvious error, or improper burden shifting, and the trial court did not abuse its discretion in denying a mistrial.
4. The trial court did not abuse its discretion in denying a mistrial based on the detective's testimony that, in his experience, victims' memories of traumatic events were often fragmented.
5. The trial court did not abuse its discretion in allowing the school nurse to testify that the victim's prior somatic complaints made sense after the nurse learned of the victim's disclosure.

6. The trial court properly admitted evidence of Hunt's similar sexual assaults on the victim occurring in Georgia and Massachusetts for permissible noncharacter purposes, including relationship, motive, intent, and opportunity, subject to Rule 403.
7. The trial court's in limine ruling concerning Hunt's communications with the victim's mother did not warrant reversal because the ruling was not preserved through an appropriate trial objection and the court's final ruling on the proposed evidence was never established.

KEY QUOTATIONS

“We find persuasive and adopt the reasoning of Lopez and other courts and discern no constitutional error in the trial court’s ruling requiring that participants in Hunt’s trial be masked, given that the court “was faced with a global pandemic and restrictions on courtroom access . . . applicable to all Maine state courts.”” (¶ 25)

“That long and unbroken line of precedents is still valid today under the Maine Rules of Evidence” (¶ 53)

FACTUAL BACKGROUND

Hunt sexually assaulted his stepdaughter repeatedly while the family lived in Georgia, Massachusetts, and Auburn, Maine, beginning when she was approximately seven years old. The victim testified that the assaults in Maine occurred repeatedly over more than a year and numbered close to 200, and that Hunt threatened to harm her mother if she disclosed them. She disclosed the abuse at age eleven, but a clerical error delayed the investigation until 2017; Hunt was indicted in 2018 for offenses alleged to have occurred in Auburn in 2009.

PROCEDURAL HISTORY

Hunt was indicted in 2018 for offenses alleged to have occurred in Auburn, Maine, in 2009. Following a February 2022 jury trial, he was convicted on all four counts and sentenced to concurrent terms of thirty years' imprisonment for the gross-sexual-assault convictions and ten years' imprisonment for the unlawful-sexual-contact convictions, followed by lifetime supervised release. He timely appealed and separately sought leave to appeal his sentence; the Sentence Review Panel denied leave. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Beeler, 2022 ME 47, ¶ 2, 281 A.3d 637
- State v. Gaston, 2021 ME 25, ¶¶ 28, 31, 250 A.3d 137
- Adoption by Jessica M., 2020 ME 118, ¶ 8, 239 A.3d 633
- State v. Dube, 2014 ME 43, ¶ 13, 87 A.3d 1219
- KeyBank National Ass'n v. Estate of Quint, 2017 ME 237, ¶ 20, 176 A.3d 717
- State v. Lovell, 2022 ME 49, ¶ 13, 281 A.3d 651

- State v. Johnson, 2014 ME 83, ¶ 8 n.2, 95 A.3d 621
- Coy v. Iowa, 487 U.S. 1012, 1016 (1988)
- Maryland v. Craig, 497 U.S. 836, 844, 846, 849-50 (1990)
- Lopez v. Gamboa, No. CV 22-4281-JEM, 2022 U.S. Dist. LEXIS 226427 (C.D. Cal. Dec. 15, 2022)
- United States v. Maynard, No. 2:21-cr-00065, 2021 U.S. Dist. LEXIS 211943, at *2-6 (S.D. W. Va. Nov. 3, 2021)
- United States v. Holder, No. 18-cr-00381-CMA-GPG-01, 2021 U.S. Dist. LEXIS 184017, at *23-24 (D. Colo. Sept. 27, 2021)
- United States v. Clemons, No. RDB-19-0438, 2020 U.S. Dist. LEXIS 206221, at *5-8 (D. Md. Nov. 4, 2020)
- United States v. James, No. CR-19-08019-001-PCT-DLR, 2020 U.S. Dist. LEXIS 190783, at *4-6 (D. Ariz. Oct. 15, 2020)
- United States v. Crittenden, No. 4:20-CR-7 (CDL), 2020 U.S. Dist. LEXIS 151950, at *13-22 (M.D. Ga. Aug. 21, 2020)
- In re Weapons Restriction of J., 2022 ME 34, ¶¶ 35-36, 38, 276 A.3d 510
- State v. Westgate, 2020 ME 74, ¶ 22, 234 A.3d 230
- State v. Robbins, 2019 ME 138, ¶¶ 10-11, 215 A.3d 788
- State v. Carrillo, 2021 ME 18, ¶¶ 19, 25, 248 A.3d 193
- State v. Scott, 2019 ME 105, ¶ 26, 211 A.3d 205
- State v. Williams, 2020 ME 128, ¶ 34, 241 A.3d 835
- State v. Thorne, 490 A.2d 646, 648 (Me. 1985)
- State v. Thomas, 2022 ME 27, ¶ 23, 274 A.3d 356
- State v. Hinkel, 2017 ME 76, ¶ 7, 159 A.3d 854
- State v. Krieger, 2002 ME 139, ¶ 8, 803 A.2d 1026
- State v. DeLong, 505 A.2d 803, 805 (Me. 1986)
- State v. Sykes, 2019 ME 43, ¶ 13, 204 A.3d 1282

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