

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Buddy Robinson

Robinson, 2016 ME 24 (Supreme Judicial Court of Maine 2016) · No. And-13-519 · Decided February 2, 2016

SUMMARY

The Maine Supreme Judicial Court reviewed Buddy Robinson’s murder conviction and claims of prosecutorial misconduct and error in responding to the jury’s request for a read-back of testimony. The court concluded that the prosecutor engaged in misconduct, including improper argument, but held that the misconduct did not create a reasonable probability of affecting the verdict. The court affirmed the conviction.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	HJELM, J.; SAUFLEY, C.J.; ALEXANDER, J.; MEAD, J.; GORMAN, J.; JABAR, J.
JURISDICTION	Maine
DECIDED	February 2, 2016
DOCKET	And-13-519
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robinson appealed from a judgment of conviction for murder entered after a jury trial, challenging the denial of his motion for a new trial based on prosecutorial misconduct and the trial court's handling of the jury's request for a read-back of testimony.
STANDARD OF REVIEW	The denial of a motion for a new trial is reviewed for clear error or abuse of discretion. Unpreserved prosecutorial-misconduct claims and the challenge to the jury communications were reviewed for obvious error; preserved misconduct claims were reviewed under the standard requiring the State to establish that it was highly probable the jury's determination of guilt was unaffected. The trial court's factual findings and credibility determinations were reviewed deferentially for clear error.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Buddy Robinson v. State of Maine

TOPICS

prosecutorial misconduct

jury instructions

appellate procedure

criminal procedure

standard of review

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate procedure

Evidence

QUESTIONS PRESENTED

1. Whether prosecutorial comments in opening statement and closing argument, including references to the prosecutor's experience and prior murder prosecutions, constituted misconduct amounting to obvious error and requiring a new trial.
2. Whether the prosecutor's alleged gestures, mouthing of answers to defense counsel's rhetorical questions, and feigned sleeping during defense counsel's closing argument deprived Robinson of a fair trial.
3. Whether the cumulative effect of the alleged prosecutorial misconduct deprived Robinson of a fair trial.
4. Whether the trial court committed obvious error by responding to the jury's broad request for a read-back by asking the jury to identify or narrow the requested testimony rather than immediately conducting the read-back.

HOLDINGS

1. The prosecutor committed misconduct by invoking his prior homicide-prosecution experience and suggesting that the defense theory had failed in other cases, because the argument invited the jury to rely on information outside the evidence and disparaged the defense. However, the unpreserved misconduct did not constitute obvious error warranting reversal because Robinson failed to show a reasonable probability that it affected the outcome.
2. The prosecutor's alleged conduct was wrongful if it occurred, and feigning sleep was sophomoric and unprofessional, but the trial court did not clearly err in finding or concluding that the conduct did not affect the verdict to the required degree. The denial of a new trial was therefore proper.
3. Considering the alleged misconduct cumulatively and in context, Robinson received a fair trial and the aggregate impact of the misconduct did not affect the jury's verdict or deprive him of due process.
4. The trial court did not commit obvious error by asking the jury to clarify or narrow its request for a read-back of more than ninety pages of testimony. The court did not deny the request and acted within its discretion to clarify the scope and procedure for the read-back.

KEY QUOTATIONS

“Rather than serving as an advocate for a particular person or entity, the prosecutor is a “minister of justice.”” (¶ 23)

“It consisted of an effort by the prosecutor to present himself as the voice of experience and to then assure the jury that the same defense raised here has been fruitless in other cases and therefore also should be fruitless in this case.” (¶ 29)

“A court’s request that a jury narrow a broad read-back request is not an abuse of discretion.” (¶ 48)

“We conclude that the instances of prosecutorial misconduct did not deprive Robinson of a fair trial and that the court committed no error in its responses to the jury’s request for a review of testimony.” (¶ 49)

FACTUAL BACKGROUND

Robinson lived in the same Lewiston building as Christiana Fesmire, who worked for Robinson's sister in a prostitution business. After the sister told Robinson that Fesmire had disclosed the prostitution operation to a client, Robinson said he was going to kill Fesmire. Fesmire disappeared after arriving at the building to obtain a vehicle, and Robinson later made statements indicating that he had fought with her, placed her body in the trunk of a Lexus, and disposed of it. Investigators found Fesmire's blood in the apartment and in the Lexus trunk, along with evidence of an attempted cleanup.

PROCEDURAL HISTORY

Robinson was indicted for murder in November 2011 and tried before a jury in November 2012. The trial court entered judgment on the guilty verdict and later sentenced him to fifty-five years' imprisonment and restitution. The court denied Robinson's motion for a new trial, including his claims of insufficient evidence and prosecutorial misconduct, and denied his request for further findings. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Dolloff, 2012 ME 130, 58 A.3d 1032
- State v. Fahnley, 2015 ME 82, 119 A.3d 727
- State v. McDonald, 472 A.2d 424 (Me. 1984)
- State v. Reilly, 446 A.2d 1125 (Me. 1982)
- State v. Carey, 2013 ME 83, 77 A.3d 471
- State v. Doyon, 1999 ME 185, 745 A.2d 365
- State v. Poblete, 2010 ME 37, 993 A.2d 1104
- State v. Reynolds, 604 A.2d 911 (Me. 1992)
- State v. Engstrom, 453 A.2d 1170 (Me. 1982)
- State v. Giglio, 441 A.2d 303 (Me. 1982)