

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Bruce Akers

2021 ME 43 (2021) · No. Yor-20-314 · Decided September 14, 2021

SUMMARY

The Maine Supreme Judicial Court vacated Bruce Akers’s murder conviction and remanded for further proceedings. The court held that police officers conducted unreasonable warrantless searches of the curtilage of Akers’s home and his camper while investigating a missing person, and that suppression of resulting statements and physical evidence was warranted. The opinion also addresses the voluntariness of Akers’s statements and related Miranda issues.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Gorman, J.; Jabar, J.; Humphrey, J.; Horton, J.; Connors, J.
JURISDICTION	Maine
DECIDED	September 14, 2021
DOCKET	Yor-20-314
DISPOSITION	vacated
PROCEDURAL POSTURE	Akers appealed from a judgment of conviction for intentional or knowing murder after a jury trial, challenging the denial of his motion to suppress physical evidence and statements.
STANDARD OF REVIEW	Suppression-motion factual findings are reviewed for clear error and legal issues de novo. When the facts are undisputed, denial of a suppression motion is reviewed de novo. Voluntariness is a mixed question of fact and law: factual findings are reviewed for clear error, while application of legal principles and the dispositive voluntariness determination are reviewed de novo. Constitutional error is harmless only if the court is satisfied beyond a reasonable doubt that it did not contribute to the verdict.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Bruce Akers v. State of Maine

TOPICS

suppression of evidence

fourth amendment

search and seizure

exclusionary rule

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether officers conducted an unreasonable warrantless search of Akers's curtilage by entering his property at night along a footpath while investigating a missing person who did not live there.
2. Whether officers conducted an unreasonable warrantless search by lifting the cover over the camper window and looking inside.
3. Whether the exclusionary rule required suppression of Akers's statements and physical evidence obtained after the searches.
4. Whether Akers's inculpatory statements were voluntary under the Fifth and Fourteenth Amendments and article I, sections 6 and 6-A of the Maine Constitution.
5. Whether the suppression errors were harmless.

HOLDINGS

1. The officers' warrantless entry onto and search of Akers's curtilage was unreasonable under the Fourth Amendment.
2. Lifting the camper's window cover and looking inside was a warrantless and unreasonable search not justified by the emergency-aid exception.
3. Suppression of Akers's statements and the physical evidence obtained through the search warrant was required because the evidence was not sufficiently attenuated from the unlawful searches.
4. The State failed to prove beyond a reasonable doubt that Akers's self-incriminating statements were voluntary under the Maine Constitution.
5. The suppression errors were not harmless beyond a reasonable doubt because Akers's statements supported issuance of the search warrant and were presented to the jury.

KEY QUOTATIONS

“Officers are not permitted to enter upon and conduct a warrantless search of property that they would otherwise be unlicensed to enter merely because they are trying to locate a missing person.” (¶ 31)

“The only fact at that time giving rise to the alleged emergency was the sound of a thud—a sound that is generally not unusual coming from inside a residence or other structure, and does not, by itself, suggest the existence of an emergency.” (¶ 38)

“To be voluntary, a confession must be the free choice of a rational mind, fundamentally fair, and not a product of coercive police conduct.” (¶ 47)

FACTUAL BACKGROUND

Police investigating a missing neighbor entered Akers's property at approximately midnight by a footpath, despite a posted private-driveway sign and without a warrant. After hearing a thud from a padlocked camper, officers lifted a window cover, illuminated the interior, roused Akers, and directed him to come outside. Before Miranda warnings, the sergeant asked pointed questions and elicited incriminating statements, which were used in part to obtain a search warrant leading to discovery of the victim's body and a blood-stained machete. Akers later invoked his right to counsel, but the statements and physical evidence were introduced at trial.

PROCEDURAL HISTORY

Akers was indicted for intentional or knowing murder and moved to suppress statements and physical evidence obtained after police entered his property and looked inside his camper without a warrant. The Superior Court denied the suppression motion, later denied in relevant part a motion for sanctions and to reopen the suppression hearing, and a jury convicted Akers. The court sentenced him to thirty-eight years' imprisonment, and he timely appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The judgment of conviction is vacated and the case is remanded for further proceedings consistent with the opinion. On remand, the Superior Court may address the State's inevitable-discovery argument and whether Akers's spontaneous statements were sufficiently attenuated from the constitutional violations to be admissible.

CASES CITED

- State v. Prescott, 2012 ME 96, ¶ 2, 48 A.3d 218
- State v. Cote, 2015 ME 78, ¶ 9, 118 A.3d 805
- State v. Bennett-Roberson, 2019 ME 49, ¶ 9, 206 A.3d 303
- Caniglia v. Strom, 593 U.S. ___, 141 S. Ct. 1596, 1599 (2021)
- Florida v. Jardines, 569 U.S. 1, 5-6 (2013)
- Collins v. Virginia, 584 U.S. ___, 138 S. Ct. 1663, 1670 (2018)
- Kyllo v. United States, 533 U.S. 27, 33 (2001)
- Katz v. United States, 389 U.S. 347, 361 (1967)
- Kentucky v. King, 563 U.S. 452, 459, 462-63, 469-70 (2011)
- Riley v. California, 573 U.S. 373, 382 (2014)
- Steagald v. United States, 451 U.S. 204, 220-22 (1981)
- Commonwealth v. Bates, 548 N.E.2d 889, 890-93 (Mass. App. Ct. 1990)
- Kirk v. Louisiana, 536 U.S. 635, 638 (2002)
- Brigham City v. Stuart, 547 U.S. 390, 403, 406 (2006)
- Michigan v. Fisher, 558 U.S. 45, 47-48 (2009)

- Alderman v. United States, 394 U.S. 165, 171 (1969)
- Davis v. United States, 564 U.S. 229, 236-37 (2011)
- Brown v. Illinois, 422 U.S. 590, 602-04 (1975)
- Utah v. Strieff, 579 U.S. ___, 136 S. Ct. 2056, 2063 (2016)
- State v. Coombs, 1998 ME 1, ¶¶ 8-10, 704 A.2d 387
- State v. Rees, 2000 ME 55, ¶¶ 5-8, 748 A.2d 976
- State v. Carrillo, 2021 ME 18, ¶ 14, 248 A.3d 193
- State v. Bryant, 2014 ME 94, ¶¶ 15-17, 97 A.3d 595
- Kaupp v. Texas, 538 U.S. 626, 631-33 (2003)
- United States v. Reeves, 524 F.3d 1161, 1168-69 (10th Cir. 2008)
- United States v. Jerez, 108 F.3d 684, 690 (7th Cir. 1997)
- State v. Fleming, 2020 ME 120, ¶ 34, 239 A.3d 648
- State v. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032