

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Reginald Dube

2014 ME 43 (2014) · No. Aro-13-307 · Decided March 18, 2014

SUMMARY

The Maine Supreme Judicial Court reviewed Reginald Dube’s convictions for gross sexual assault, unlawful sexual contact, and furnishing liquor to a minor. The court held that the trial court did not abuse its discretion in denying Dube’s eve-of-trial motion in limine and motion to continue, allowing the State to participate in the related hearing, or denying his motion for judgment of acquittal. The court affirmed the judgment.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Silver, J.; Mead, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	March 18, 2014
DOCKET	Aro-13-307
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dube appealed from a judgment entered after a jury convicted him of gross sexual assault, unlawful sexual contact, and furnishing liquor to a minor.
STANDARD OF REVIEW	Denial of a motion in limine and denial of a motion to continue are reviewed for abuse of discretion; legal conclusions are reviewed de novo. The sufficiency of the evidence is reviewed by viewing the evidence in the light most favorable to the State and asking whether it rationally supports proof of guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Reginald Dube v. State of Maine

TOPICS

criminal procedure

evidence

due process

appellate procedure

standard of review

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Dube's motion in limine seeking subpoenas for the victim's protected medical and mental-health records.
2. Whether the trial court violated Dube's constitutional rights by allowing the State to participate in the hearing on his motions.
3. Whether the trial court abused its discretion by denying Dube's motion to continue the trial.
4. Whether the evidence was sufficient to support Dube's convictions and whether the motion for judgment of acquittal should have been granted.

HOLDINGS

1. A party seeking a subpoena duces tecum under Maine Rule of Criminal Procedure 17(d) must make a preliminary showing that the subpoena is justified, including that the request is made in good faith and is not a fishing expedition. The trial court did not abuse its discretion in denying Dube's request because his speculation that the records might reveal a motive to fabricate was insufficient.
2. A trial court may consider an ex parte application for pretrial production under a subpoena duces tecum in limited circumstances when a defendant asserts that making the required showing would reveal trial strategy. The trial court did not err in allowing the State to participate because Dube did not make such an assertion and had already disclosed his defense theory in the motion.
3. A party seeking a continuance must show substantial reasons why granting it would further justice, and a denial is reversible only when it adversely prejudices substantial rights. The trial court did not abuse its discretion in denying Dube's eve-of-trial motion to continue.
4. The evidence, viewed in the light most favorable to the State, rationally supported the jury's finding of guilt beyond a reasonable doubt; therefore, the motion for judgment of acquittal was properly denied and the convictions were affirmed.

KEY QUOTATIONS

“To withstand a challenge to a subpoena duces tecum, a party must make a preliminary showing to the court that the subpoena is justified.” (¶ 8)

“A party seeking a continuance must show “substantial reasons why granting the continuance would serve to further justice.”” (¶ 13)

“In light of these circumstances, the court did not abuse its discretion in determining that Dube had been given sufficient time to prepare a defense and that further postponement of the trial was unreasonable.” (¶ 14)

FACTUAL BACKGROUND

Dube was accused of furnishing alcohol to a sixteen-year-old minor and sexually assaulting or sexually contacting her after she became unconscious or unable to resist. The defense sought records concerning the victim's prior involuntary hospitalizations, asserting that they might contain evidence supporting a motive to fabricate. Dube disclosed this theory shortly before trial, after the case had already been continued multiple times and after jury selection. The trial court denied the late motions, but Dube was permitted to cross-examine the victim about her hospitalizations and alleged motive to lie.

PROCEDURAL HISTORY

Dube was indicted in the Aroostook County Superior Court and the case was continued from four trial lists. After a jury was selected, Dube filed, two days before trial, a motion in limine seeking protected medical and mental-health records of the victim and a motion to continue. The Superior Court denied both motions, permitted the State to participate in the motions hearing, denied Dube's motion for judgment of acquittal, and entered judgment on the jury's guilty verdicts. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Watson, 1999 ME 41, ¶¶ 6-7, 726 A.2d 214
- State v. Rickett, 2009 ME 22, ¶ 9, 967 A.2d 671
- United States v. Nixon, 481 U.S. 683, 707, 713 (1974)
- Bowman Dairy Co. v. United States, 341 U.S. 214, 221 (1951)
- United States v. Tomison, 969 F. Supp. 587, 593 (E.D. Cal. 1997)
- In re Trever I., 2009 ME 59, ¶ 28, 973 A.2d 752
- State v. Dechaine, 572 A.2d 130, 132 (Me. 1990)
- Wright & Mills v. Bispham, 2002 ME 123, ¶ 13, 802 A.2d 430
- Ungar v. Sarafite, 376 U.S. 575, 589 (1964)
- Amouri v. Holder, 572 F.3d 29, 36 (1st Cir. 2009)
- State v. Rastrom, 261 A.2d 245, 247 (Me. 1970)
- State v. Severy, 2010 ME 126, ¶ 8, 8 A.3d 715