

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Daudoit Butsitsi

2015 ME 74 (2015) · No. SRP-11-616 · Decided June 16, 2015

SUMMARY

The Maine Supreme Judicial Court affirmed Daudoit Butsitsi’s thirty-eight-year sentence for intentional or knowing murder. The court held that, under obvious-error review, the sentencing judge’s references to Butsitsi’s national origin, cultural background, and community did not create an appearance of racial bias or demonstrate that the sentence was based on race or national origin. The court also declined to adopt de novo review for unpreserved claims of judicial bias at sentencing.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Saufley, C.J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.
JURISDICTION	Maine
DECIDED	June 16, 2015
DOCKET	SRP-11-616
DISPOSITION	affirmed
PROCEDURAL POSTURE	Butsitsi obtained permission from the Sentence Review Panel to appeal his thirty-eight-year sentence for intentional or knowing murder. The appeal challenged the legality of the sentence on due-process grounds, alleging that the sentencing court improperly relied on statements concerning his national origin and made comments creating an appearance of racial bias.
STANDARD OF REVIEW	Obvious-error review under M.R. Crim. P. 52(b) applies to an unpreserved claim of judicial bias or sentencing error. The Court declined to adopt de novo review for unpreserved claims of sentencing bias based on national origin.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Maine.
PARTIES	Daudoit Butsitsi v. State of Maine

TOPICS

sentencing

due process

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal law

sentencing

constitutional law

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QUESTIONS PRESENTED

1. What standard of review applies to an unpreserved claim that sentencing remarks created an appearance of judicial bias based on the defendant's national origin?
2. Whether the sentencing court violated due process by imposing a sentence illegally based on the defendant's race or national origin or by making remarks that created an appearance of racial bias.

HOLDINGS

1. An unpreserved claim that sentencing remarks reflected judicial bias is reviewed for obvious error, including when the alleged bias concerns the defendant's national origin.
2. The sentencing court did not violate due process or create an appearance of racial bias by considering the defendant's cultural background, exposure to violence, and community circumstances in context. The sentence was not shown to have been based on the defendant's race or national origin.

KEY QUOTATIONS

“*“Sentencing on the basis of racial categories or nationality, as opposed to demonstrated individual involvement and culpability, is constitutionally impermissible,”*” (§ 25)

“*For these reasons, Butsitsi has failed to demonstrate any error—let alone obvious error—in the court’s sentencing.*” (§ 27)

FACTUAL BACKGROUND

Butsitsi shot the victim six times outside the apartment building where they lived after the two had fought twice earlier that day. At trial, Butsitsi asserted self-defense and presented evidence that he had been exposed to violence and civil unrest in the Congo. During sentencing, he argued that this background mitigated his culpability, while letters from the victim's family and community members urged a severe sentence to address community and ethnic conflict. The sentencing court imposed a thirty-eight-year sentence, below the forty-to-forty-five-year basic sentence it had determined, and treated Butsitsi's exposure to violence as a mitigating factor.

PROCEDURAL HISTORY

Butsitsi was convicted of intentional or knowing murder in the Cumberland County Unified Criminal Docket and sentenced to thirty-eight years' imprisonment. His conviction was affirmed on direct appeal, but his sentence issue was not briefed. After the trial court granted post-conviction relief based on ineffective assistance concerning the sentence appeal, this Court reinstated the sentence appeal. The Supreme Judicial Court affirmed the sentence.

DISPOSITION

affirmed

CASES CITED

- State v. Treadway, 2014 ME 124, ¶ 2, 103 A.3d 1026
- State v. Butsitsi, 2013 ME 2, 60 A.3d 1254
- State v. Schofield, 2005 ME 82, 895 A.2d 927
- State v. Nichols, 2013 ME 71, 72 A.3d 503
- State v. Tapley, 609 A.2d 722 (Me. 1992)
- In re Kaitlyn P., 2011 ME 19, 12 A.3d 50
- United States v. Kaba, 480 F.3d 152 (2d Cir. 2007)
- United States v. Leung, 40 F.3d 577 (2d Cir. 1994)
- United States v. Rodriguez, 627 F.3d 1372 (11th Cir. 2010)
- United States v. Trujillo-Castillon, 692 F.3d 575 (7th Cir. 2012)
- United States v. Webster, 54 F.3d 1 (1st Cir. 1995)
- In re Anthony R., 2010 ME 4, 987 A.2d 532
- State v. Burdick, 2001 ME 143, 782 A.2d 319
- State v. Reese, 2010 ME 30, 991 A.2d 806
- Pepper v. United States, 562 U.S. 476 (2011)
- Gardner v. Florida, 430 U.S. 349 (1977)
- State v. Gonzales, 604 A.2d 904 (Me. 1992)
- State v. Farnham, 479 A.2d 887 (Me. 1984)