

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Elfido Marroquin-Aldana

2014 ME 47 (2014) · No. Lin-12-592 · Decided March 25, 2014

SUMMARY

The Maine Supreme Judicial Court reviews Elfido Marroquin-Aldana’s conviction for gross sexual assault. The court addresses access to the victim’s mother’s immigration records, motions to continue, the competency of the minor victim to testify, and the adequacy of Spanish interpretation services. The court affirmed the judgment, focusing on the immigration-records and interpretation issues.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Mead, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	March 25, 2014
DOCKET	Lin-12-592
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction for gross sexual assault following a jury trial in Lincoln County Superior Court. He challenged the denial of access to immigration records, denial of motions to continue, the finding that the minor victim was competent to testify, and the adequacy of interpretation services.
STANDARD OF REVIEW	The denial of a motion to quash a subpoena is reviewed for abuse of discretion. Unpreserved constitutional claims and challenges to interpretation services were reviewed for obvious error. Witness competency is reviewed for clear error, and denial of a continuance is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Elfido Marroquin-Aldana v. State of Maine

TOPICS

- criminal procedure
- evidence
- immigration
- appellate procedure
- due process

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

immigration

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by quashing defendant's subpoena seeking the victim's immigration attorney's entire immigration file.
2. Whether the denial of access to the immigration records violated defendant's constitutional rights to due process, compulsory process, or confrontation.
3. Whether defects in interpretation services constituted obvious error depriving defendant of due process or confrontation.
4. Whether the trial court abused its discretion in denying additional motions to continue the trial.
5. Whether the trial court clearly erred in finding the minor victim competent to testify.

HOLDINGS

1. The subpoena was properly quashed because it sought the victim's attorney's entire immigration file and did not identify specific, relevant, admissible documents; it therefore constituted an impermissible fishing expedition and improperly attempted to use Rule 17 as a discovery device.
2. The trial court did not commit obvious error or violate defendant's due-process, compulsory-process, or confrontation rights by quashing the subpoena because defendant already possessed the District Attorney's certification supporting the U-visa application and was able to cross-examine the victim's mother about her immigration issues and possible motive to fabricate.
3. The trial court did not commit obvious error in providing interpretation services because it repeatedly monitored the interpretation, promptly addressed identified problems, used multiple interpreters, and permitted correction or clarification of disputed testimony.
4. The court rejected defendant's arguments concerning denial of continuances and the victim's competency to testify and affirmed the judgment.

KEY QUOTATIONS

“The purpose of a subpoena duces tecum is not to “expand the discovery rights of the parties,” but rather “to facilitate and to expedite the trial.”” (¶ 34)

“To withstand a motion to quash pursuant to Rule 17(c), the party seeking to enforce the subpoena must make a preliminary showing” (¶ 34)

“ “[I]t is an unquestioned principle that a defendant must be afforded the means to understand the proceedings against him.” ” (¶ 42)

“The mere fact that interpretation issues arose does not call into question the fundamental fairness of the trial where the court promptly addressed those issues and took appropriate action to correct any defects.” (¶ 44)

FACTUAL BACKGROUND

The victim, a minor child, testified that Marroquin-Aldana sexually assaulted her on multiple occasions while he was staying with her family in Maine. The victim's mother discovered blood and semen stains on the victim's clothing, and DNA testing included Marroquin-Aldana as a donor to sperm-cell DNA from a stain on the victim's underwear. The victim's mother delayed reporting in part because of immigration concerns and later applied for a U visa based on her assistance in the prosecution. At trial, multiple Spanish interpreters assisted defendant and a witness, and the trial court addressed several interpretation concerns as they arose.

PROCEDURAL HISTORY

Marroquin-Aldana was indicted for unlawful sexual contact and gross sexual assault. The trial court granted several motions to continue, later denied additional continuances, quashed a subpoena seeking the victim's immigration attorney's entire file, and found the minor victim competent to testify. After a six-day jury trial, the court granted a judgment of acquittal on the unlawful-sexual-contact count, the jury convicted defendant of gross sexual assault, and the court imposed a twenty-four-year sentence followed by twenty-five years of supervised release and restitution. The Maine Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Mercier, 2014 ME 28, ¶ 2, --- A.3d ---
- State v. Watson, 1999 ME 41, ¶¶ 5-6, 726 A.2d 214
- United States v. Nixon, 418 U.S. 683, 698-700 (1974)
- United States v. Morris, 287 F.3d 985, 991 (10th Cir. 2002)
- United States v. Reed, 726 F.2d 570, 577 (9th Cir. 1984)
- United States v. Hardy, 224 F.3d 752, 755-56 (8th Cir. 2000)
- United States v. Arditti, 955 F.2d 331, 345-46 (5th Cir. 1992)
- State v. Mehlhorn v. Derby, 2006 ME 110, ¶ 11, 905 A.2d 290
- United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990)
- United States v. LaRouche Campaign, 841 F.2d 1176, 1178 (1st Cir. 1988)
- United States v. Nixon, 777 F.2d 958, 968-69 (5th Cir. 1985)
- United States v. Brown, 347 F.3d 1095, 1098-99 (9th Cir. 2003)
- State v. Patton, 2012 ME 101, ¶ 30, 50 A.3d 544
- State v. Dolloff, 2012 ME 130, ¶ 35, 58 A.3d 1032
- State v. Pabon, 2011 ME 100, ¶¶ 18-29, 28 A.3d 1147
- State v. Poblete, 2010 ME 37, ¶¶ 16-18, 27-29, 993 A.2d 1104
- State v. Green, 564 A.2d 62, 63-64 (Me. 1989)
- State v. Doucette, 398 A.2d 36, 39-40 (Me. 1978)
- State v. Cochran, 2004 ME 138, ¶ 6, 863 A.2d 263

- State v. Dechaine, 572 A.2d 130, 132 (Me. 1990)

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