

SUPREME JUDICIAL COURT OF MAINE

State v. Cook

984 A.2d 1272 (Me. 2009) · No. And-09-78 · Decided December 8, 2009

SUMMARY

The Supreme Judicial Court of Maine affirmed Christopher Michael Cook’s robbery conviction. It held that the trial court did not clearly err in finding the jury impartial after jurors expressed concern that the defendant’s girlfriend might have photographed them, and that no obvious error occurred regarding possible juror distraction from bad weather.

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	December 8, 2009
DOCKET	And-09-78
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cook appealed from a Superior Court judgment entered after a jury trial convicting him of Class B robbery. He challenged the trial court's handling of possible juror distraction from bad weather and denied impartiality concerns arising from a perceived possibility that jurors had been photographed by Cook's girlfriend. The conviction was affirmed.
STANDARD OF REVIEW	The trial court’s finding that the jury remained impartial was reviewed for clear error. The denial of the motion for a mistrial was reviewed for abuse of discretion. Because Cook did not object or move for a mistrial concerning the effect of the weather on deliberations, that issue was reviewed for obvious error under Maine Rule of Criminal Procedure 52(b).
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Judicial Court of Maine
PARTIES	Christopher Michael Cook v. State of Maine

TOPICS

criminal procedure

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by proceeding with the trial and allowing deliberations after a storm and related power outages allegedly distracted the jurors.
2. Whether the trial court erred in denying Cook's motion for a mistrial after jurors expressed concern that Cook's girlfriend might have photographed them as they left the courthouse.

HOLDINGS

1. The trial court did not clearly err in finding that the jury remained impartial and did not abuse its discretion in denying Cook's motion for a mistrial.
2. The trial court did not commit obvious error in determining that the weather did not impair the jury's ability to deliberate.

KEY QUOTATIONS

“Some jurors are concerned about the defendant's girlfriend, who was using her cell phone while we were exiting the building, we are wondering if she could have photographed us because she was observing us during this time and had her phone in her hand.” (¶ 3)

FACTUAL BACKGROUND

A storm interrupted Cook's robbery trial, and the proceedings resumed later in the week. When the jury returned its verdict, seven jurors submitted a note expressing concern that Cook's girlfriend might have photographed them while using a cell phone as they exited the courthouse. The court officer checked the phone and found no photographs, and the court privately questioned each juror; none of the jurors who knew of the incident reported feeling threatened or that it affected the verdict. The jurors also had not expressed concern when the court asked whether bad weather had distracted them.

PROCEDURAL HISTORY

Following a jury trial in the Superior Court for Androscoggin County, Cook was convicted of robbery. The trial court separately found him guilty of violating a condition of release after Cook waived a jury trial on that charge; that conviction was not at issue on appeal. The trial court denied Cook's motion for a mistrial after individually questioning the jurors about the cell-phone incident, and Cook appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Rollins, 2008 ME 189, ¶¶ 9, 11, 961 A.2d 546, 549
- State v. Merchant, 2003 ME 44, ¶ 17, 819 A.2d 1005, 1009
- State v. Schmidt, 2008 ME 151, ¶ 15, 957 A.2d 80, 85

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