

SUPREME JUDICIAL COURT OF MAINE

State v. Ayotte

207 A.3d 614 (Me. 2019) · Decided April 23, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed Cade H. Ayotte’s conviction for operating under the influence. The court held that Ayotte knowingly and voluntarily consented to the blood draw and that the prosecutor’s characterization of certain blood-alcohol testing methodologies as outdated did not constitute prosecutorial misconduct requiring a curative instruction.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Humphrey, J.
JURISDICTION	Maine
DECIDED	April 23, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ayotte appealed from a judgment of conviction for operating under the influence following a jury trial, challenging the denial of his motion to suppress evidence from a blood draw and the trial court's refusal to issue an additional curative instruction concerning the prosecutor's closing argument.
STANDARD OF REVIEW	The court reviewed factual findings concerning whether consent was given for clear error and the ultimate question of whether consent was given de novo. Alleged prosecutorial misconduct was reviewed in the overall context of the trial, including whether any misconduct occurred and whether the trial court's response sufficiently remedied resulting prejudice.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Cade H. Ayotte v. State of Maine

TOPICS

suppression of evidence

fourth amendment

warrant requirement

prosecutorial misconduct

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Ayotte's consent to the hospital blood draw was knowing and voluntary under the Fourth Amendment.
2. Whether the prosecutor committed misconduct by characterizing sweat-pad and saliva-sampling techniques described in a scientific article as outdated, and whether the trial court erred by declining to give an additional curative instruction.

HOLDINGS

1. The trial court did not err in finding that Ayotte knowingly and voluntarily consented to the blood draw.
2. The prosecutor did not commit prosecutorial misconduct, and the trial court's general jury instructions were sufficient; the court did not abuse its discretion by declining to issue the requested additional curative instruction.

KEY QUOTATIONS

“Withdrawing blood for the purpose of determining its alcohol content is a search under the Fourth Amendment, and therefore requires a warrant or the existence of an exception to the warrant requirement, such as consent.” (617)

“The court's jury instructions were sufficient and appropriate under the circumstances because, in context, the prosecutor's closing statements to the jury did not misstate the evidence, demonstrate bad faith, or create any prejudice.” (618)

FACTUAL BACKGROUND

Police responded to a motor vehicle crash and observed tire tracks leading into a ditch, a burning vehicle, and Ayotte walking across the road. An officer detected an odor of alcohol, observed that Ayotte's eyes were dilated, and Ayotte admitted operating the vehicle. Because Ayotte appeared injured, he was transported to a hospital, where his blood was drawn approximately one hour and fifteen minutes after the crash; the test showed a blood-alcohol concentration of .078 grams per 100 milliliters, with a .005 margin of error. At trial, the State's expert used reverse extrapolation to estimate that Ayotte's blood-alcohol concentration had exceeded .08 at the time of the crash, and the prosecutor referred during closing argument to certain techniques described in a scientific article as outdated.

PROCEDURAL HISTORY

After a motor vehicle crash, Ayotte consented to a hospital blood draw. Before trial, the trial court denied his motion to suppress the blood-draw evidence, finding that his consent was knowing and voluntary. A jury convicted him of operating under the influence, and the trial court entered judgment and imposed sentence. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Simons, 2017 ME 180, 169 A.3d 399
- State v. Palmer, 2018 ME 108, 190 A.3d 1009
- State v. LeMeunier-Fitzgerald, 2018 ME 85, 188 A.3d 183
- State v. Bailey, 2012 ME 55, 41 A.3d 535
- State v. Nadeau, 2010 ME 71, 1 A.3d 445
- State v. Dolloff, 2012 ME 130, 58 A.3d 1032
- State v. Young, 2000 ME 144, 755 A.2d 547
- State v. Marr, 551 A.2d 456 (Me. 1988)
- State v. Winslow, 2007 ME 124, 930 A.2d 1080