

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Kenneth Rhoades

Rhoades, 2026 ME 23 (Supreme Judicial Court of Maine 2026) · No. Pen-25-24 · Decided March 10, 2026

SUMMARY

The Maine Supreme Judicial Court affirmed Kenneth Rhoades’s conviction for operating under the influence with two prior OUI offenses. The court held that the officer had reasonable articulable suspicion to stop Rhoades based on a visual estimate that he was speeding, that the Intoxilyzer results were admissible and reliable, and that admission of the results did not violate the Confrontation Clause. The court also held that the trial court did not abuse its discretion in declining to impose discovery sanctions because Rhoades failed to show prejudice from the late disclosure of Giglio information.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Connors, J.; Stanfill, C.J.; Mead, J.; Lawrence, J.; Douglas, J.; Lipez, J.; Hjelm, A.R.J.
JURISDICTION	Maine
DECIDED	March 10, 2026
DOCKET	Pen-25-24
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a jury-trial conviction for operating under the influence with two prior OUI offenses within a ten-year period, challenging denial of suppression and discovery-sanctions motions and admission of breath-test results.
STANDARD OF REVIEW	Suppression-hearing factual findings were reviewed for clear error and the ultimate suppression ruling de novo. Admission of evidence for lack of foundation was reviewed for abuse of discretion, with underlying factual findings reviewed for clear error. The unpreserved Confrontation Clause claim was reviewed for obvious error. Discovery-sanctions decisions were reviewed for abuse of discretion, with reversal requiring prejudice rising to the level of deprivation of a fair trial. Statutory interpretation was reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

search and seizure

fourth amendment

suppression of evidence

evidence

criminal procedure

PRACTICE AREAS

criminal procedure

DUI/OUI

search and seizure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether an officer's trained visual estimate that a vehicle was traveling substantially above the speed limit supplied reasonable articulable suspicion for a traffic stop under the Fourth Amendment.
2. Whether the State established the statutory foundation and reliability necessary to admit Rhoades's Intoxilyzer breath-test results when Rhoades had requested testimony from a qualified witness.
3. Whether admission of the machine-generated breath-test result violated Rhoades's Sixth Amendment Confrontation Clause rights because the chemist who testified was not certain that she personally performed the latest inspection or test of the machine.
4. Whether the trial court abused its discretion by declining to impose discovery sanctions for late disclosure of Giglio impeachment information.

HOLDINGS

1. A trained officer's visual estimate that a vehicle was traveling substantially above the speed limit can establish reasonable articulable suspicion for a traffic stop. Under the totality of the circumstances, the officer's estimate that Rhoades was traveling twenty miles per hour over the limit supported the stop.
2. When a defendant requests a qualified witness under 29-A M.R.S. § 2431, the State may establish the reliability of an Intoxilyzer result through witness testimony rather than compliance labels, and the State need establish only that the test was reliable. The testimony of the chemist and certified operator sufficiently established statutory compliance and reliability.
3. Admission of a machine-generated breath-test result does not violate the Sixth Amendment Confrontation Clause because the result is not a testimonial statement of a declarant. Testimony from the individual who performed the machine's most recent biannual test is not required for statutory reliability or Confrontation Clause purposes.
4. A defendant is not entitled to discovery sanctions absent a showing that a discovery violation caused prejudice that deprived the defendant of a fair trial. Because the witness connected to the late-disclosed Giglio information did not testify and Rhoades received the information months before trial, the trial court did not abuse its discretion.

KEY QUOTATIONS

"In order to support a brief investigatory stop of a motor vehicle . . . a police officer must have an objectively reasonable, articulable suspicion that either criminal conduct, a civil violation, or a threat to public safety

has occurred, is occurring, or is about to occur.” (¶ 26)

“A breath test result is not testimony; it is machine-generated data.” (¶ 35)

“We “will not characterize a trial court’s decision not to impose sanctions as an abuse of discretion or an error of law unless the defendant has shown that he was in fact prejudiced by the discovery violation . . . and that the prejudice rose to the level of depriving him of a fair trial.”” (¶ 40)

FACTUAL BACKGROUND

A Lincoln police officer stopped Rhoades after visually estimating that he was driving approximately twenty miles per hour over the posted speed limit. During the encounter, the officer observed signs of possible intoxication, including slurred speech, bloodshot and glassy eyes, and the odor of metabolized alcohol; Rhoades later admitted consuming two alcoholic beverages. At the police station, a certified officer administered an Intoxilyzer test after the required mouth check and observation period, producing a result of .16 grams of alcohol per 210 liters of breath. The State presented testimony from the officer and a forensic chemist concerning the machine's operation, testing, safeguards, and reliability, and the witness associated with the allegedly late-disclosed Giglio information did not testify at trial.

PROCEDURAL HISTORY

The State charged Rhoades by criminal complaint and later indictment. The trial court denied his motion to suppress evidence from the traffic stop, denied his motion for sanctions based on allegedly late disclosure of Giglio impeachment information, and admitted the Intoxilyzer results at trial. A jury found Rhoades guilty, and the court sentenced him to nine months in jail, a six-year license suspension, and fines and fees. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hall, 2019 ME 126, ¶ 3, 214 A.3d 19
- State v. Jandreau, 2022 ME 59, ¶ 12, 288 A.3d 371
- State v. Norris, 2023 ME 60, ¶ 33, 302 A.3d 1
- State v. Lovett, 2015 ME 7, ¶ 6, 109 A.3d 1135
- State v. Vrooman, 2013 ME 69, ¶ 11, 71 A.3d 723
- State v. Sylvain, 2003 ME 5, ¶ 11, 814 A.2d 984
- State v. LaForge, 2012 ME 65, ¶ 10, 43 A.3d 961
- United States v. Sowards, 690 F.3d 583, 591-92 (4th Cir. 2012)
- United States v. Ludwig, 641 F.3d 1243, 1247 (10th Cir. 2011)
- State v. Dunham, 67 A.3d 275, 278 (Vt. 2013)
- United States v. Monzon-Gomez, 244 F. App'x 954, 959 (11th Cir. 2007)

- State v. Beeler, 2022 ME 47, ¶¶ 14-15, 281 A.3d 637
- State v. Engroff, 2025 ME 83, ¶ 24, 345 A.3d 91
- State v. Richardson, 593 A.2d 218, 219 (Me. 1991)
- United States v. Vargas-De Jesús, 618 F.3d 59, 64 (1st Cir. 2010)
- Christopher Bello, Annotation, Consequences of Prosecution's Failure to File Timely Brief in Appeal by Accused, 27 A.L.R.4th 213, § 2[a] (1984)
- State v. Thomas, 2025 ME 34, ¶ 65, 334 A.3d 686
- State v. Gleason, 2025 ME 52, ¶¶ 7, 19, 339 A.3d 774
- Bullcoming v. New Mexico, 564 U.S. 647, 659-60, 673 (2011)
- United States v. Hill, 63 F.4th 335, 359 (5th Cir. 2023)
- United States v. Moon, 512 F.3d 359, 362 (7th Cir. 2008)
- United States v. Washington, 498 F.3d 225, 230 (4th Cir. 2007)
- Caldwell v. State, 230 Ga. App. 46, 495 S.E.2d 308, 310 (1997)
- State v. Van Sickle, 120 Idaho 99, 813 P.2d 910, 913 (Ct. App. 1991)
- Wimbish v. Commonwealth, 658 S.E.2d 715, 719-20 (Va. Ct. App. 2008)
- Melendez-Diaz v. Massachusetts, 557 U.S. 305, 324 (2009)
- Commonwealth v. Zeininger, 947 N.E.2d 1060, 1069-70 (Mass. 2011)
- State v. Fischer, 726 N.W.2d 176, 183 (Neb. 2007)
- State v. Maga, 96 A.3d 934, 938-40 (N.H. 2014)
- Commonwealth v. Dyarman, 73 A.3d 565, 571-74 (Pa. 2013)
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- State v. Wai Chan, 2020 ME 91, ¶ 15 n.8, 236 A.3d 471
- Giglio v. United States, 405 U.S. 150, 154 (1972)
- State v. Williams, 2022 ME 24, ¶ 6 n.3, 272 A.3d 304
- Bean v. Cummings, 2008 ME 18, ¶ 15, 939 A.2d 676
- State v. Gould, 2012 ME 60, ¶ 24, 43 A.3d 952
- State v. Kelly, 2000 ME 107, ¶ 26 n.11, 752 A.2d 188