

SUPREME JUDICIAL COURT OF MAINE

State v. Gantnier, 2008 ME 40

942 A.2d 1191 (Me. 2008) · No. Wal-07-281 · Decided March 4, 2008

SUMMARY

The Supreme Judicial Court of Maine affirmed Daniel S. Gantnier's conviction for unlawful sexual contact. The court held that the trial court's instructions requiring the jury to continue deliberating after reporting difficulty reaching unanimity were not impermissibly coercive when viewed in their totality. The court concluded that the instructions appropriately allowed the jury to remain deadlocked and did not require a verdict or suggest that a deadlock would constitute failure.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Clifford, J.; Alexander, J.; Levy, J.; Mead, J.; Gorman, J.
JURISDICTION	Maine
DECIDED	March 4, 2008
DOCKET	Wal-07-281
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction entered after a jury trial in the Superior Court of Maine.
STANDARD OF REVIEW	Jury instructions are reviewed as a whole for prejudicial error, considering whether they correctly and fairly informed the jury and the potential for juror misunderstanding.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Daniel S. Gantnier v. State of Maine

TOPICS

- jury instructions
- criminal procedure
- instructions objections
- verdict forms

PRACTICE AREAS

- criminal procedure
- jury instructions

QUESTIONS PRESENTED

1. Whether the trial court's supplemental instruction directing a potentially deadlocked jury to continue deliberating and review the verdict form count by count was impermissibly coercive.
2. Whether the trial court was required to repeat, in every subsequent communication with a potentially deadlocked jury, the admonition that jurors should not surrender their honest beliefs merely to reach a verdict.

HOLDINGS

1. The supplemental instruction was not impermissibly coercive because, viewed in the context of the instructions as a whole, it permitted the jury to remain deadlocked and did not require the jurors to reach a verdict.
2. The court was not required to repeat the full admonition every time it communicated with a potentially deadlocked jury; additional instructions must be noncoercive and must make clear that a deadlock is not unacceptable, although the court should reassert the ABA admonition if substantial time passes between reinstructions.

KEY QUOTATIONS

“What is required is that the jury receive the appropriate instruction before it begins deliberating, that it receive the ABA STANDARDS instruction when it first identifies a possible deadlock, and that any additional instructions are noncoercive and are framed in such a way that the jury understands that a deadlock is not unacceptable to the court.” (1196)

“Considering the jury's request for reinstruction on evidence and reasonable doubt, and the end result in which the jurors remained deadlocked on eleven of the twelve counts before them, we cannot infer that the challenged instruction coerced the jury to reach unanimity on any one count.” (1197)

FACTUAL BACKGROUND

Gantnier was tried on twelve remaining counts arising from alleged sexual contact with two victims. After deliberating for several hours, the jury twice reported that it could not reach unanimity on any count. The trial court instructed the jurors to continue deliberating, review the verdict form count by count, and report any unanimous verdicts while recognizing that they might remain unable to reach a verdict. The jury later requested reinstruction on evidence and reasonable doubt, then convicted Gantnier on one count and remained deadlocked on eleven counts.

PROCEDURAL HISTORY

Gantnier was indicted on multiple counts of gross sexual assault and unlawful sexual contact. After the State dismissed eight counts, the case proceeded to a jury trial on twelve counts. The jury reported difficulty reaching unanimity, and the trial court instructed it to continue deliberating and to review the verdict form count by count. The jury returned a guilty verdict on one count and remained deadlocked on the others. The Superior Court entered judgment and sentenced Gantnier, who appealed, challenging the alleged coerciveness of the supplemental jury instruction.

DISPOSITION

affirmed

CASES CITED

- State v. Gauthier, 2007 ME 156, ¶ 14, 939 A.2d 77, 81
- State v. Martin, 2007 ME 23, ¶ 5, 916 A.2d 961, 964
- State v. Kaler, 1997 ME 62, ¶ 14, 691 A.2d 1226, 1231
- State v. Braddick, 2002 ME 63, ¶¶ 6-7, 794 A.2d 641, 643
- State v. Weidul, 628 A.2d 135, 137 (Me. 1993)
- State v. Quint, 448 A.2d 1353, 1355-56 (Me. 1982)
- State v. Rusher, 468 A.2d 1008, 1009-10 (Me. 1983)
- State v. Therriault, 485 A.2d 986, 999-1000 (Me. 1984)
- State v. Landry, 600 A.2d 101 (Me. 1991)
- State v. Commeau, 438 A.2d 454, 460 (Me. 1981)