

SUPREME JUDICIAL COURT OF MAINE

State v. Caswell

771 A.2d 375 (Me. 2001); 2001 ME 23 · Decided January 30, 2001

SUMMARY

The Maine Supreme Judicial Court affirmed Patricia Caswell’s conviction for a third offense of operating under the influence. The court held that the evidence did not generate a competing harms justification because it failed to establish an imminent threat of physical harm, particularly after Caswell stopped at a gas station and observed police officers. The court also upheld the exclusion of expert testimony concerning Caswell’s psychological state.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Wathen, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Saufley, J.; Calkins, J.
JURISDICTION	Maine
DECIDED	January 30, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Caswell appealed from a Superior Court jury conviction for a third offense of operating under the influence, challenging the refusal to submit a competing-harms justification to the jury and the exclusion of supporting psychologist testimony.
STANDARD OF REVIEW	Whether the evidence was sufficient to generate a justification defense is evaluated by viewing the evidence in the light most favorable to the defendant, while requiring evidence sufficient to make the existence of all facts constituting the defense a reasonable hypothesis for the factfinder.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Patricia Caswell v. State of Maine

TOPICS

- criminal procedure
- evidence
- expert testimony
- relevance

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence, viewed in the light most favorable to Caswell, generated a competing-harms justification under 17-A M.R.S.A. § 103(1) for operating a motor vehicle while under the influence.
2. Whether the trial court properly excluded psychologist Dr. Brian Rines's testimony offered in support of the competing-harms justification.

HOLDINGS

1. A competing-harms justification is not generated by the defendant's subjective belief alone that imminent physical harm exists; the evidence must demonstrate as a fact that physical harm was imminently threatened. Caswell's evidence did not satisfy that requirement, particularly because there was no evidence that her attacker was following her and any justification for fleeing the residence had evaporated when she stopped at the Irving station and observed police officers.
2. The trial court did not err in excluding the psychologist's testimony because the testimony could not supply the objective evidence of an imminent physical threat required to generate the competing-harms justification.

KEY QUOTATIONS

"We have held that the competing harms justification is not generated because a defendant claims to subjectively believe that a threat of imminent physical harm exists." (771 A.2d at 378)

"Instead, we require that for the competing harms justification to be generated, the evidence, viewed most favorably to the defense, must demonstrate "as a fact" that physical harm was imminently threatened." (771 A.2d at 378)

"We decline Caswell's invitation to change the law to allow subjective beliefs alone to generate the competing harms justification." (771 A.2d at 379)

FACTUAL BACKGROUND

After drinking alcohol with a former intimate partner, Caswell testified that the man took her to his residence, prevented her from leaving, and sexually assaulted her. She escaped in her truck, stopped at an Irving station to buy cigarettes, saw two police officers but did not approach them, and then drove away. Police stopped her after observing her driving approximately sixty-five miles per hour in a forty-five-mile-per-hour zone; she showed signs of intoxication and later registered a .12 percent blood-alcohol level.

PROCEDURAL HISTORY

Caswell was arraigned in District Court, pleaded not guilty, and transferred the matter to the Superior Court for a jury trial under Maine Rule of Criminal Procedure 22(a). After the State rested, the Superior Court ruled that the evidence did not generate a competing-harms justification and excluded the proposed psychologist testimony. The jury convicted Caswell, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Wilder, 2000 ME 32, ¶ 23, 748 A.2d 444, 450
- State v. Poole, 568 A.2d 830, 830-32 (Me. 1990)
- State v. Crocker, 506 A.2d 209, 211 (Me. 1986)
- State v. Knowles, 495 A.2d 335, 338 (Me. 1985)
- State v. Glidden, 487 A.2d 642, 644 (Me. 1985)
- State v. Greenwald, 454 A.2d 827, 830 (Me. 1982)
- State v. Kee, 398 A.2d 384, 385-86 (Me. 1979)
- State v. Moore, 577 A.2d 348, 350 (Me. 1990)
- United States v. Bailey, 444 U.S. 394, 410, 412-13, 100 S. Ct. 624, 62 L. Ed. 2d 575 (1980)
- State v. Michaud, 1998 ME 251, ¶ 17, 724 A.2d 1222, 1230

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