

SUPREME JUDICIAL COURT OF MAINE

State v. Palmer

190 A.3d 1009 (Me. 2018) · Decided July 26, 2018

SUMMARY

The Maine Supreme Judicial Court affirmed Rowe L. Palmer’s convictions for aggravated operating under the influence and aggravated assault. The court held that probable cause existed to obtain a blood sample based on Palmer’s role in a serious collision and his admission that he had consumed alcohol. It further held that the impending surgery and resulting limited opportunity to obtain a warrant created exigent circumstances justifying the warrantless blood draw.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Hjelm, J.; Alexander; Gorman; Hjelm; Humphrey; Mead; Saufley
JURISDICTION	Maine
DECIDED	July 26, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Palmer appealed from a judgment entered after a jury trial convicting him of aggravated operating under the influence and aggravated assault. He challenged the denial of his motion to suppress evidence obtained from a warrantless hospital blood draw.
STANDARD OF REVIEW	The court reviews factual findings on a motion to suppress for clear error and issues of law de novo.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the Supreme Judicial Court of Maine.
PARTIES	Rowe L. Palmer v. State of Maine

TOPICS

- fourth amendment
- search and seizure
- probable cause
- warrant requirement
- suppression of evidence

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the officer had probable cause to believe Palmer had operated under the influence when the hospital blood sample was obtained.
2. Whether exigent circumstances justified obtaining the hospital blood sample without a warrant.

HOLDINGS

1. Probable cause existed because the unexplained collision caused by Palmer crossing the centerline, combined with his admission that he had consumed alcohol before the accident, supported a prudent and cautious person's belief that Palmer had operated under the influence.
2. Exigent circumstances justified the warrantless hospital blood draw because, after probable cause arose, Palmer's impending surgery and the prior passage of time created a now-or-never situation in which waiting to obtain a warrant would significantly undermine the efficacy of the blood test.

KEY QUOTATIONS

"In other words, "probable cause and exigent circumstances justify the warrantless taking of a blood sample." (190 A.3d at 1012)

"Exigent circumstances exist where the totality of the circumstances demonstrates that "there is a compelling need to conduct a search and insufficient time in which to secure a warrant." (190 A.3d at 1013)

"A circumstance that does justify a warrantless seizure is a "now or never" situation-in other words, where an officer cannot "reasonably obtain a warrant before a blood sample can be drawn without significantly undermining the efficacy of the search." (190 A.3d at 1013)

FACTUAL BACKGROUND

Palmer drove across the centerline and collided head-on with another vehicle, seriously injuring himself and the two occupants of the other vehicle. Several hours later, at the hospital, Deputy Pierce heard Palmer say that he had consumed a few beers with lunch. Palmer was about to undergo surgery, and Pierce obtained a blood sample without a warrant after concluding that he needed to expedite the process.

PROCEDURAL HISTORY

After a serious motor-vehicle collision, Palmer moved to suppress evidence from two blood draws. The trial court suppressed the ambulance-draw evidence but denied suppression of the hospital-draw evidence, finding probable cause and exigent circumstances. Following a jury trial and convictions, Palmer appealed, and the Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Turner, 2017 ME 185, ¶ 2, 169 A.3d 931
- State v. Cote, 2015 ME 78, ¶ 9, 118 A.3d 805
- State v. Libby, 453 A.2d 481, 484 (Me. 1982)
- Birchfield v. North Dakota, 579 U.S. ---, 136 S. Ct. 2160, 2173-85, 195 L. Ed. 2d 560 (2016)
- Schmerber v. California, 384 U.S. 757, 767, 86 S. Ct. 1826, 16 L. Ed. 2d 908 (1966)
- State v. LeMeunier-Fitzgerald, 2018 ME 85, ¶ 11, 188 A.3d 183
- State v. Boyd, 2017 ME 36, ¶ 8, 156 A.3d 748
- State v. Lagasse, 2016 ME 158, ¶ 13, 149 A.3d 1153
- State v. Forsyth, 2002 ME 75, ¶ 14, 795 A.2d 66
- State v. Webster, 2000 ME 115, ¶ 7, 754 A.2d 976
- State v. Baker, 502 A.2d 489, 491-92 (Me. 1985)
- Turner v. Sec'y of State, 2011 ME 22, ¶ 11, 12 A.3d 1188
- State v. Arndt, 2016 ME 31, ¶¶ 9-11, 133 A.3d 587
- Missouri v. McNeely, 569 U.S. 141, 149, 152-53, 156, 133 S. Ct. 1552, 185 L. Ed. 2d 696 (2013)
- State v. Dunlap, 395 A.2d 821, 824 (Me. 1978)
- McDonald v. United States, 335 U.S. 451, 456, 69 S. Ct. 191, 93 L. Ed. 153 (1948)
- Richards v. Wisconsin, 520 U.S. 385, 393, 117 S. Ct. 1416, 137 L. Ed. 2d 615 (1997)
- State v. Cormier, 2007 ME 112, ¶ 17, 928 A.2d 753