

SUPREME COURT OF NEW HAMPSHIRE

State v. Michaud

146 N.H. 29 (2001) · Decided February 12, 2001

SUMMARY

The New Hampshire Supreme Court affirmed David Michaud’s convictions for simple assault, criminal trespass, and arson. The court held that limits on cross-examination and exclusion of specific-act character evidence were proper, that an unpreserved evidentiary issue in the trespass trial was not reviewable, and that the arson trial court properly denied dismissal, admitted a letter, and declined to review unpreserved closing-argument objections.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Broderick, J.; Brock, C.J.; Horton, J.; Johnson, J.; Thayer, J.
JURISDICTION	New Hampshire
DECIDED	February 12, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed convictions following three separate jury trials for simple assault, criminal trespass, and arson.
STANDARD OF REVIEW	Abuse of discretion for limits on cross-examination, character-evidence rulings, and admission of the letter; dismissal of an indictment for governmental misconduct requires prejudice and is reviewed under the court's supervisory-power standards; unpreserved claims are not considered on appeal.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	David Michaud v. State

TOPICS

- criminal procedure
- evidence
- sixth amendment
- appellate procedure
- preservation of error

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether limiting cross-examination of the defendant's ex-wife concerning alleged prior false accusations and a prior perjury warning violated the defendant's right to confront witnesses.
2. Whether the excluded evidence was admissible as victim-character evidence under New Hampshire Rules of Evidence 404(a)(2) and 405.
3. Whether the defendant could relitigate the evidentiary ruling in the criminal-trespass trial under collateral estoppel despite failing to offer or preserve the evidence in that trial.
4. Whether the arson charge should have been dismissed because the State's culpable negligence in permitting reconstruction of the fire scene destroyed potentially exculpatory evidence.
5. Whether the trial court abused its discretion by admitting a letter that the defense itself used during cross-examination.
6. Whether the State's allegedly prejudicial closing remarks warranted appellate relief despite the defendant's failure to object.

HOLDINGS

1. The trial court did not abuse its discretion by limiting cross-examination where the defendant had already been allowed to present substantial evidence supporting his claim that the ex-wife had a motive to lie and had lied in the past, making the excluded inquiries cumulative.
2. Specific instances of the ex-wife's alleged prior conduct were inadmissible under New Hampshire Rules of Evidence 404(a)(2) and 405 because her character was not an essential element of a charge, claim, or defense.
3. The evidentiary issue was not preserved because Michaud neither moved in advance of nor during the trespass trial to introduce the evidence, and collateral estoppel did not excuse the omission because the earlier evidentiary rulings did not determine issues of ultimate fact.
4. A showing of prejudice is required before an indictment may be dismissed based on the State's culpable negligence in allowing potentially exculpatory evidence to be destroyed; dismissal was properly denied because Michaud demonstrated no prejudice and the trial court imposed a sufficiently curative sanction.
5. The trial court did not abuse its discretion by admitting the letter as a full exhibit because the defense itself used it during cross-examination, thereby conceding its relevance; the defendant's arguments about the inferences to draw from it concerned weight rather than admissibility.
6. The authentication argument was waived because the defendant raised it in the notice of appeal but did not brief it.
7. The court would not consider the defendant's challenge to the State's closing argument because he failed to object when the remarks were made.

KEY QUOTATIONS

“Trial courts possess broad discretion to limit the scope of cross-examination to preclude repetitive or unduly harassing interrogation.” (146 N.H. at 31)

“The sanction of dismissal with prejudice is . . . reserved for extraordinary circumstances” (146 N.H. at 33)

“We similarly decline to hold that automatic dismissal is required upon a showing of culpable negligence alone.” (146 N.H. at 33)

FACTUAL BACKGROUND

Michaud's ex-wife accused him of simple assault and later of entering her home in violation of a restraining order, resulting in the assault and criminal-trespass charges. A fire occurred at the ex-wife's home while the parties were living apart, and the house was later reconstructed after the prosecutor allegedly allowed the ex-wife to proceed with rebuilding. The defense claimed that reconstruction destroyed potentially exculpatory evidence, including floor samples and the opportunity to show the structure to the jury. At the arson trial, the defense used a letter allegedly written by a witness who had implicated Michaud and later recanted, and the State introduced the letter as a full exhibit after the witness denied writing it.

PROCEDURAL HISTORY

Michaud was convicted in three separate proceedings in the New Hampshire Superior Court. The trial courts excluded or limited evidence concerning his ex-wife's alleged prior false accusations and perjury warning, denied his motion to dismiss the arson charge based on destruction of the fire scene, admitted a letter used during cross-examination, and allowed the State's closing argument. The Supreme Court of New Hampshire affirmed the convictions.

DISPOSITION

affirmed

CASES CITED

- State v. Ball, 124 N.H. 226, 231-33
- State v. Dixon, 144 N.H. 273, 278
- State v. Rodriguez, 136 N.H. 505, 508-09
- State v. Moses, 143 N.H. 461, 464-65
- State v. Huffman, 136 N.H. 149, 152-53
- State v. Isaacson, 129 N.H. 438, 441
- State v. Graf, 143 N.H. 294, 297
- State v. Porter, 144 N.H. 96, 99
- State v. Hoag, 145 N.H. 47, 52
- State v. Hutchins, 144 N.H. 669, 671
- State v. Cotell, 143 N.H. 275, 279, 281
- State v. Bain, 145 N.H. 367, 372-73
- State v. Murray, 129 N.H. 645, 650
- State v. Ranger, 142 N.H. 140, 143

- State v. Mountjoy, 142 N.H. 648, 652
- State v. Ross, 141 N.H. 397, 399

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-hampshire-supreme-court-of-new-hampshire/2001/state-v-michaud-yy3a11k0>