**Recent Court Decisions Relevant to Maine Law Enforcement Officers**

UNITED STATES SUPREME COURT
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
MAINE SUPREME JUDICIAL COURT

# 2025
# CASE LAW UPDATE

## Dirigo Safety, LLC

**AUGUST 15, 2025**


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# Preparer's Note

The preparer of this document reviewed the published decisions of the United States Supreme Court, the U.S. Court of Appeals for the First Circuit, and the Maine Supreme Judicial Court from September 1, 2024, through August 15, 2025. The document includes summaries of cases of general interest and relevance to Maine law enforcement officers. This document does not list all decisions from the three appellate courts.

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If a decision interests the reader, the entire text is accessible through the relevant Internet link. Since court decisions are very fact-specific, it is highly advisable and strongly recommended to review the entire decision for a more comprehensive understanding, especially before taking any enforcement or other actions.

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*Do you have questions, suggestions, or other comments?*

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# United States Supreme Court

*Fourth Amendment – Deadly Force – Section 1983 Liability*

## Barnes v. Felix

*Decided May 15, 2025*
https://www.supremecourt.gov/opinions/24pdf/23-1239_onjq.pdf

Issue: Is the legal analysis of the justification of deadly force limited by the narrow "moment-of-threat" rule or by the broader "totality-of-the-circumstances" rule, including the events leading up to the use of deadly force?

Facts: Officer Roberto Felix, Jr. stopped Ashtian Barnes for suspected toll violations. During the stop, Mr. Barnes started to drive away, prompting Officer Felix to jump onto the car's doorsill and fire two shots, fatally wounding Mr. Barnes. Mr. Barnes's mother sued Officer Felix, alleging a violation of Mr. Barnes's Fourth Amendment right against excessive force. The trial court granted summary judgment to Officer Felix, applying the Fifth Circuit's "moment-of-threat" rule, which considers only whether the officer was in danger at the exact moment deadly force was used. The court found that Officer Felix could have reasonably believed he was in danger during the two seconds he was on the doorsill of the moving car. The Fifth Circuit Court of Appeals affirmed, limiting its analysis to the final moments before the shooting.

Held: The U.S. Supreme Court unanimously ruled that the "moment-of-threat" rule wrongly narrows the Fourth Amendment analysis when assessing whether an officer's actions were reasonable under the Fourth Amendment. The Court emphasized that reasonableness must be evaluated based on the "totality of circumstances," including events leading up to the use of force. The court vacated the Court of Appeals' judgment and remanded the case for further proceedings, instructing the lower court to consider the entire context of the incident, not just the final moments. The Court noted that the lower courts had not examined whether a dangerous situation caused by the officer's actions would fall within the framework of objective reasonableness. This issue was not before the court and, therefore, was not addressed.

*Regulatory Authority – Gun Control Act of 1968 – "Ghost Guns"*

## Bondi v. Vanderstok

*Decided March 26, 2025*
https://www.supremecourt.gov/opinions/24pdf/23-852_c07d.pdf

Issue: Does the Gun Control Act of 1968 allow the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to regulate weapon parts kits and unfinished frames or receivers?

Facts: This case involved interpreting the Gun Control Act of 1968 (GCA), specifically regarding kits with weapon parts and unfinished frames or receivers. The GCA requires those involved in the import, manufacture, or sale of firearms to obtain federal licenses, keep sales records, conduct background checks, and mark products with serial numbers. The Act defines a "firearm" as any weapon capable of expelling a projectile by explosive force, including the frame or receiver of

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such a weapon. With the rise of weapon parts kits that can be assembled into functional firearms, the ATF issued a rule in 2022 to include these kits under GCA regulations. The District Court struck down the ATF's rule, agreeing with the plaintiffs that the GCA does not cover kits of weapon parts or unfinished frames or receivers. The Fifth Circuit upheld this decision, ruling that the GCA's definition of "firearm" does not include weapon parts kits or unfinished frames and receivers.

Held: The Supreme Court, in a 7-2 ruling, reversed the Fifth Circuit's decision. The Court held that the ATF's rule is consistent with the GCA. The Court found that some weapon parts kits, such as Polymer80's "Buy Build Shoot" kit, qualify as "weapons" under the GCA because they can be easily transformed into functional firearms. Additionally, the Court determined that the GCA's definition of "frame or receiver" includes certain partially complete frames or receivers that can be quickly finished with standard tools. The Court concluded that the ATF has the authority to regulate these items under the GCA. The case was remanded for further proceedings consistent with this opinion. This decision means that manufacturers and sellers of these kits must comply with the same requirements as those selling fully assembled firearms, including the requirement to include serial numbers, conduct background checks, and maintain accurate records.

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# U.S. Court of Appeals for the First Circuit

*Fourth Amendment – Vehicle Impoundment – Inventory "Search"*

## U.S. v. Vick

*Decided July 30, 2025*
https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1721P-01A.pdf

Issue: Did the police impoundment of a vehicle and a subsequent inventory "search" constitute a violation of the Fourth Amendment?

Facts: Police officers arrested Charlie Vick for domestic assault and battery involving a firearm. After his arrest, officers discovered that the car he had been driving was uninsured, unregistered, and had invalid license plates. They waited until Mr. Vick's uncle tried to drive the car away and then stopped him shortly after he left the parking lot. The officers impounded the car and conducted an inventory search, which revealed a gun. Mr. Vick was later charged with being a felon in possession of a firearm. The District Court for the District of Massachusetts ruled that the officers had staged the impoundment and that their only motive for the search was investigatory. As a result, the court ordered the suppression of the evidence found during the search. The government appealed, arguing that the subjective motives of the officers were irrelevant and that, even if the subjective motives of the officers were relevant, the decision to impound was not solely for investigatory purposes.

Held: The First Circuit Court of Appeals agreed with the government that the district court's finding of a sole investigatory motive was wrong. The court concluded that the officers had a reasonable basis for impounding the car since it was unregistered, uninsured, and had invalid plates, potentially making it unsafe. The court also determined that the officers' decision to impound the vehicle was lawful under the community caretaking exception to the Fourth Amendment's warrant. The community caretaking function encompasses law enforcement's authority to remove vehicles that impede traffic or threaten public safety and convenience. A decision to impound is lawful, even if officers have an investigatory motive, so long as they are also acting to fulfill their community caretaking role. As a result, the court reversed the district court's grant of the motion to suppress and sent the case back for further proceedings.

*Fourth Amendment – Search Warrant – Particularity of Descriptions – Good Faith Doctrine*

## U.S. v. Jackson

*Decided September 30, 2024*
https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1009P-01A.pdf

Issue: Was the warrant sufficiently particular as to the premises to be searched and the property to be seized?

Facts: James Ward Jackson, a priest residing in the rectory of St. Mary's Catholic Church in Providence, Rhode Island, was found to have over 12,000 images and 1,300 videos of child pornography on his laptop and external hard drive. The government obtained a search warrant for the rectory, which led to the seizure of these devices. Subsequently, a federal grand jury charged

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the priest with receipt and possession of child pornography. The priest entered a conditional guilty plea, reserving the right to appeal the district court's denial of his motion to suppress the evidence obtained from the search. He asserted that the warrant was not sufficiently particular in the descriptions of the premises to be searched and the property to be seized. He also argued that the rectory was best characterized as a multi-unit dwelling and that the warrant was therefore insufficiently particular. The trial court denied the motion to suppress, finding that the rectory was best characterized as a single-family residence, thus validating the warrant's description.

Held: The U.S. Court of Appeals for the First Circuit affirmed the district court's decision. The appellate court held that the warrant's description was sufficiently particular both as to the property to be searched and the items to be seized. The court noted that even if the warrant lacked sufficient particularity, the good-faith exception to the exclusionary rule would apply, reaffirming that suppression is inappropriate when officers acted in good faith.

*Fourth Amendment – Warrantless Home Search – Emergency Aid Exception*

## U.S. v. Giambro

*Decided January 15, 2025*
*https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1052P-01A.pdf*

Issue: Was the warrantless search of the home constitutional so as to preclude suppression of evidence resulting from the search?

Facts: Dario Giambro was convicted of being a felon in possession of a firearm, a conviction that resulted from evidence found when police officers entered his home in Hebron, Maine, without a warrant, based on information provided by Mr. Giambro's son that his mother had died and was not in the house. Mr. Giambro argued that the warrantless entry violated the Fourth Amendment, and the evidence should be suppressed. The trial court denied the motion to suppress, ruling that the entry was justified under the emergency aid exception to the warrant requirement, finding that the officers had an objectively reasonable basis to believe that the woman might need immediate aid, despite the son's report that she had died and was not in the house.

Held: The First Circuit Court of Appeals disagreed with the trial court's application of the emergency aid exception, ruling that the officers' belief that the woman was alive and in need of immediate help was unreasonable, since the son had been in the house that morning and reported she was not there. The court emphasized that the officers should have spoken to the son and Mr. Giambro, both of whom were available for questioning, before entering the home. As a result, the First Circuit reversed the trial court's denial of the motion to suppress, vacated Mr. Giambro's conviction and sentence, and remanded the case.

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*Section 1983 Liability – State-created Danger*

## Doe v. City of Boston

*Decided July 25, 2025*
*https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1419P-01A.pdf*

Issue: Were the actions of the Boston Police Department enough to justify a state-created danger claim?

Facts: For several years, Patrick Rose, Sr., a Boston Police Department officer, sexually abused two children, John and Jane Doe. Mr. Rose pleaded guilty to 21 counts of child rape and sexual assault. The Does sued Mr. Rose and the Boston Police Department, alleging that the department's actions deprived them of their Fourteenth Amendment right to bodily integrity by increasing the danger from Mr. Rose's abuse. The district court dismissed the case before discovery, ruling that the department could not be held responsible under the state-created danger doctrine because the plaintiffs failed to show that the department's actions enhanced Mr. Rose's abuse and caused them harm.

Held: The First Circuit Court of Appeals vacated the district court's decision on the Fourteenth Amendment claims, concluding that the plaintiffs conceivably alleged that some of the department's actions increased the danger to them, satisfying the first requirement of the state-created danger test. Specifically, the court found three affirmative acts on the part of the Boston PD that could potentially provide the basis for a state-created danger claim: (1) the decision to interview John Doe in front of Mr. Rose, his abuser; (2) the BPD's instruction to the Department of Children and Families not to visit Mr. Rose's home or reinterview John; and (3) BPD's approval of vacating the restraining order against Mr. Rose. The court remanded the case for the district court to evaluate those actions under the test's remaining requirements.[1]

*Fourth Amendment – Sufficiency of Probable Cause – Omission of Exculpatory Information*

## U.S. v. Francis

*Decided March 24, 2025*
*https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1386P-01A.pdf*

Issue: Was the omission of allegedly exculpatory information made deliberately or with reckless disregard for the truth and, thus, fatal to issuing the warrant?

Facts: Michael Francis appealed the district court's denial of his motion to suppress evidence seized from his car, which included a firearm holster, a kilogram of cocaine, two cell phones, $10,000 in

[1] The First Circuit Court of Appeals first acknowledged a viable state-created danger claim in 2020 in *Irish v. Fowler*, joining nine other federal circuits at the time. According to *Irish*, to establish such a claim, a plaintiff must demonstrate: (1) that a state actor or actors intentionally acted in a way that created or amplified a danger to the plaintiff; (2) that the act or acts created or heightened a danger specific to the plaintiff, distinct from the danger to the public at large; (3) that these acts caused the plaintiff's injury; and (4) that the conduct of the state actor, when viewed in its entirety, shocks the conscience. When officials have the opportunity to make careful judgments, deliberate indifference might shock the conscience. To prove deliberate indifference, the plaintiff must, at minimum, show that the defendant actually knew of a substantial risk of serious harm and ignored that risk. When state actors are required to act within seconds or minutes, a higher level of culpability is necessary.

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cash, and a black bandana. Mr. Francis claimed in a motion to suppress that the affiant's failure to disclose that a cooperating witness had a conviction for falsifying physical evidence negated the affidavit's probable cause. After a *Franks* hearing,[2] the district court rejected Mr. Francis's claims that the supporting affidavit omitted critical information, concluding that the affidavit did not recklessly or in bad faith omit information about the credibility of a cooperating witness. The court also determined that even if the omitted information had been included, it would not have negated probable cause. Mr. Francis's motion to suppress was denied, and he subsequently appealed.

Held: The First Circuit Court of Appeals upheld the district court's decision. The court found that the affidavit demonstrated probable cause on its face, as it included detailed and corroborated information from the cooperating witness. The omissions in the affidavit were not considered reckless or deliberate, and including them would not have affected the probable cause determination. Therefore, the appellate court affirmed the denial of the motion to suppress.

*Fourth Amendment – Civil Liability for Viewing Naked Body*

## Brown v. Dickey

*Decided September 4, 2024*
*https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/23-1767P-01A.pdf*

Issue: Did the observations by corrections officers of the plaintiff's naked body during childbirth in a hospital violate the Fourth Amendment?

Facts: Jaden Brown, a pregnant inmate at the Cumberland County Jail, was transported to a hospital for childbirth. During her hospital stay, two male correction officers were present in her room. Ms. Brown alleged that the officers observed her naked body during medical procedures and the delivery of her baby, which she claimed violated her Fourth Amendment rights. The district court denied the defendants' motion for summary judgment based on qualified immunity. The court found that there were genuine issues of material fact regarding whether the officers' observations of Ms. Brown's naked body were more than inadvertent, occasional, casual, or restricted.

Held: The First Circuit Court of Appeals partially dismissed the appeal, stating it lacked jurisdiction to consider the officers' argument that they did not see Ms. Brown's naked body, as this was a factual issue for a jury to decide. The court upheld the district court's denial of summary judgment, noting that if the officers did see Ms. Brown's naked body, it would qualify as a search under the Fourth Amendment. The court clarified that a search does not require deliberate intent to inspect a naked body and that such observations could violate clearly established law. Qualified immunity, which protects officers from civil liability unless they violate clearly established law, is immunity from suit and damages. The court said that it is clearly established law that a Fourth

[2] In *Franks v. Delaware* (1978), the U.S. Supreme Court held that where a defendant makes a substantial preliminary showing that a false statement [or omission] made deliberately, or with reckless disregard for the truth, was included in an affidavit, and if the allegedly false statement [or omission] is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held. If the allegation is established by a preponderance of the evidence, and, with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the search warrant is voided, and the fruits of the search suppressed.

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Amendment violation occurs when a prison guard of the opposite sex, in nonemergency situations, views an incarcerated person's naked body in a manner that is not inadvertent, occasional, casual, or restricted.

*Fourth Amendment – Warrantless Vehicle Search – Collective Knowledge*

## U.S. v. Hernadez-Rodriguez

*Decided August 11, 2025*
*https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1534P-01A.pdf*

Issue: Was there probable cause to believe evidence of a crime was present so as to justify the search of a vehicle without a warrant?

Facts: Roriguez was stopped by a Connecticut state trooper for a lane violation while driving a vehicle under surveillance by the DEA as part of a lengthy investigation of a Boston-based drug trafficking operation. The DEA had linked the vehicle and its occupants to transporting cocaine from New York to Boston and returning drug proceeds to New York. On the day of the stop, DEA agents observed Mr. Hernandez-Rodriguez interacting with suspected co-conspirators and driving the vehicle away from a location associated with drug activity. A search of the vehicle led to the seizure of nearly a quarter of a million dollars in cash from a hidden compartment. The District Court for the District of Massachusetts denied the defendant's motion to suppress the cash, ruling that the warrantless search of the vehicle was justified under the automobile exception to the Fourth Amendment's warrant requirement because there was probable cause to believe the vehicle contained evidence of a crime. The court found that the DEA's extensive investigation, surveillance, and intercepted communications provided enough grounds for probable cause. It noted that it considers the collective information of all officers involved in the investigation rather than just the knowledge of an individual officer. This is known as the "collective knowledge doctrine," meaning when a law enforcement officer with probable cause information directs another officer who lacks that knowledge to act. In such cases, the directing officer's knowledge is imputed to the acting officer. A jury convicted the defendant of conspiracy to distribute cocaine.

Held: On appeal, the First Circuit Court of Appeals held that the collective knowledge of the DEA agents, which was imputed to the state trooper who conducted the stop, established probable cause to search the vehicle under the automobile exception. The court rejected the argument that the search was based on a mere "hunch," finding that the facts supported a fair probability that evidence of a crime would be found. The First Circuit affirmed the district court's denial of the motion to suppress.

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# Maine Supreme Judicial Court

*Fourth Amendment – Prolonged Vehicle Stop – Search of Vehicle*

## State v. Fitzgerald

*Decided July 24, 2025*
*https://www.courts.maine.gov/courts/sjc/lawcourt/2025/25me065.pdf*

Issue: Was the prolonged vehicle stop supported by reasonable suspicion so as to justify the search of a vehicle in which a dog indicated the presence of illegal drugs?

Facts: A State Police trooper stopped Kyle Fitzgerald on Interstate 295 for not wearing a seatbelt and driving well below the speed limit. During the stop, Ms. Fitzgerald and her passengers provided inconsistent and confusing answers about their destination and how long they had known each other. One passenger was very anxious, another was standoffish, and a third pretended to be asleep. The trooper requested a drug detection dog, which arrived 77 minutes after the stop. The dog indicated the presence of drugs, leading to a search that uncovered a substantial amount of illegal drugs. The trial court granted Ms. Fitzgerald's motion to suppress the evidence obtained from the search, concluding that the reasonable suspicion justifying the initial stop had ended well before the dog arrived; there was no reasonable suspicion of illegal drug activity to justify extending the detention. The State appealed.

Held: The Maine Supreme Judicial Court affirmed the trial court's decision. The court held that the duration of the detention exceeded the constitutional limit once the officer confirmed the identity of one of the passengers, which was 34 minutes before the drug detection dog arrived. The court concluded that the officer's suspicion of illegal drug activity was based on a general hunch rather than an articulable and objectively reasonable suspicion. Therefore, the prolonged detention violated the Fourth Amendment, and the evidence obtained from the search was correctly suppressed. The court found that driving slower than the speed limit with arms locked, a confused and contradictory answer about the destination and how long the occupants have known each other, the initial difficulty identifying a passenger, and a passenger possessing a roll of cash do not amount to an objectively reasonable suspicion of illegal drug activity.

*Deadly Force – Self-defense – No Duty to Retreat in Dwelling*

## State v. Bernier

*Decided February 11, 2025*
*https://www.courts.maine.gov/courts/sjc/lawcourt/2025/25me014.pdf*

Issue: Did the trial court make an error in its jury instructions regarding the use of deadly force in self-defense?

Facts: Keara M. Bernier was convicted of aggravated assault after a jury trial in Aroostook County. The incident involved Ms. Bernier striking her partner in the head with an aluminum baseball bat during an argument at their shared home. The victim did not seek medical attention immediately but reported the incident to the police the next day. Bernier was indicted and, after a jury trial, was found guilty and sentenced to seven years in prison, with all but six months suspended, along with

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three years of probation. Ms. Bernier argued, among other things, that the court erred in its jury instructions regarding the use of deadly force in self-defense, specifically that it failed to instruct the jury that she had no duty to retreat if she was in her dwelling and was not the initial aggressor.

Held: The Maine Supreme Judicial Court agreed with Ms. Bernier that the jury instructions on using deadly force were incomplete. The instructions did not include the statutory exception that she had no duty to retreat if she was in her home and was not the initial aggressor. The Court vacated the conviction and remanded the case for a new trial, ruling that the omission of the dwelling-place exception in the jury instructions was an obvious error that affected Ms. Bernier's substantial rights.

*Fifth Amendment – Miranda Custody*

## State v. Hernandez-Rodriguez

*Decided February 4, 2025*
*https://www.courts.maine.gov/courts/sjc/lawcourt/2025/25me009.pdf*

Issue: Was the defendant's admission to possessing cocaine obtained as a result of an unwarned custodial interrogation?

Facts: Julio Cesar Hernandez-Rodriguez was convicted of two drug offenses after a trial court denied his motion to suppress statements made to Maine Drug Enforcement Agency (MDEA) agents. Hernandez-Rodriguez argued that his statements to one agent should be suppressed because he was subject to unwarned custodial interrogation and that his statements to another agent should be suppressed due to his limited English proficiency, which he claimed prevented him from making a knowing and voluntary waiver of his rights. The trial court found that Hernandez-Rodriguez was in custody during his interactions with the agents and that he had not waived his Miranda rights while speaking with the first agent. Agent One and another agent searched Hernandez-Rodriguez. During the search, the agents recovered something that Hernandez-Rodriguez said was in his pocket and that he identified as "a line" that he used to "sniff" sometimes. Agent One asked Hernandez-Rodriguez, "Little bit of coke?" and Hernandez-Rodriguez responded, "Yeah, coke. That's the coke." Hernandez-Rodriguez had not identified the substance on his person as cocaine before the agent asked this question. The trial court concluded that his statements to the first agent were admissible because they were not the product of interrogation. The court also found that Hernandez-Rodriguez had knowingly and voluntarily waived his Miranda rights when speaking with the second agent, despite his limited English proficiency. Hernandez-Rodriguez appealed the suppression rulings.

Held: The Maine Supreme Judicial Court ruled that the trial court made an error in not suppressing Hernandez-Rodriguez's statement identifying a substance as cocaine in response to the first agent's question, as it was obtained through custodial interrogation. The Court vacated the judgment and remanded for further proceedings, which would give the defendant the chance to withdraw his plea since the answer should have been suppressed. The Court could not definitively determine whether denying the suppression would have influenced Hernandez-Rodriguez's decision to accept a conditional plea or proceed to trial. However, the court upheld the trial court's conclusion that Hernandez-Rodriguez validly waived his Miranda rights when speaking with the second agent.

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*Fourth Amendment – Standing – Reasonable Expectation of Privacy of Vehicle Passenger*

## State v. Kelley

*Decided January 2, 2025*
*https://www.courts.maine.gov/courts/sjc/lawcourt/2025/25me001.pdf*

Issue: Did the passenger in a vehicle have standing so as to challenge a search of the vehicle?

Facts: Richard Kelley was convicted of aggravated trafficking of scheduled drugs after being a passenger in a friend's vehicle that was stopped and searched. Law enforcement searched as part of an investigation into the vehicle's owner for drug trafficking, using a search warrant and two tracking warrants to monitor the vehicle's location. Kelley moved to suppress the evidence obtained through the warrants, arguing that he had a reasonable expectation of privacy in the vehicle. He contended that he had a reasonable expectation of privacy because he had taken several trips as a passenger in the vehicle, including four trips between Maine and Massachusetts lasting eight to ten hours each, and because he stored a "sea bag" and fishing boots in the vehicle for about a month. The trial court denied Mr. Kelley's motion to suppress, ruling that he lacked standing to challenge the search. Mr. Kelley argued that the court should not have addressed his standing because the State had stipulated that he had a reasonable expectation of privacy in the vehicle. However, the court concluded that standing is a threshold issue that must be addressed regardless of the State's stipulation.

Held: The Maine Supreme Judicial Court affirmed the trial court's decision. The Court held that the State's stipulation regarding Kelley's standing was not binding on the court. The court further held that Mr. Kelley lacked a reasonable expectation of privacy in the vehicle because he did not have a property or possessory interest in it, nor did he have an interest in the property seized. Therefore, Mr. Kelley did not have standing to challenge the search warrants. The Court noted that First Circuit dicta suggests that spending long periods in a vehicle and storing personal items in a vehicle do not create a reasonable expectation of privacy in that vehicle. The judgment of conviction was affirmed.

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# ADDENDUM

**September 3, 2025**

## MAINE SUPREME JUDICIAL COURT

*Miranda Waiver – Maine Constitution, Article I, Section 6*

### State v. McLain

*Decided August 29, 2025*
*https://www.courts.maine.gov/courts/sjc/lawcourt/2025/25me087.pdf*

Issue: Was the suspect's request for a lawyer so ambiguous that it required the police to stop the interrogation to clarify the suspect's intent?

Facts: Derric McLain was convicted of aggravated drug trafficking and violation of a condition of release. During a custodial interrogation, after being read his *Miranda* rights, he responded, "It depends on the questions," and later, "Is there a lawyer here?" Officers responded to the latter by saying "no" and continued to interrogate him. Mr. McLain appealed his conviction, arguing that the trial court was wrong in denying his motion to suppress the statements he made while in custody.

Held: The Maine Supreme Judicial Court ruled that the trial court made an error by not suppressing Mr. McLain's statements because the Maine Constitution requires (1) that a person's waiver of the right against self-incrimination "be clear and unequivocal," (2) that police must cease questioning and clarify if there is ambiguity about the waiver, and (3) that even after a waiver, if there is an ambiguous invocation of the self-incrimination privilege, police must stop questioning and confirm whether the individual is attempting to invoke that privilege. The Court explained that "it depends on the questions" is not an explicit waiver of the privilege against self-incrimination because it was not an affirmative expression that Mr. McLain wanted to waive the privilege, and "is there a lawyer here?" demonstrates an attempt to invoke the right to counsel and eliminates any doubt that his earlier "it depends" was a waiver. The court vacated Mr. McLain's conviction and remanded the case for further proceedings.

*Preparer's Note:* This decision strengthens protections for suspects under the Maine Constitution[3], which the court found provides stronger protections than the federal interpretation of *Miranda* rights under the U.S. Constitution. The ruling emphasizes law enforcement's obligation to discontinue questioning when a suspect's intentions are unclear. The decision also warrants review for its issues regarding the reasonable suspicion required to justify and prolong a vehicle stop, as well as whether a passenger has legal standing to object to a stop. Specifically, the court found that the stop was supported by reasonable suspicion and was not unconstitutionally prolonged, and that a passenger has standing to challenge a stop.

[3] "The accused shall not be compelled to furnish or give evidence against himself or herself . . ." Maine Constitution, Article 1, section 6. https://legislature.maine.gov/doc/10674

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