



**THE SUPREME COURT OF MAINE HOLDS THAT
THE DEFENDANT'S STATEMENTS THAT HE MADE
TO A LAW ENFORCEMENT OFFICER WERE
VOLUNTARILY MADE REGARDLESS OF THE
"FRIENDLY NATURE" OF THE INTERVIEW AND,
THEREFORE, AFFIRMS THE TRIAL COURT'S
DENIAL OF THE DEFENDANT'S MOTION TO
SUPPRESS**



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In *State v. Seamon*, ___ A.3d ___, 2017 WL 2644392 (Maine June 20, 2017), the Supreme Court of Maine was asked to review Defendant Andrew L. Seamon's conviction and sentence. Seamon argued that the trial court erred in denying his motion to suppress the statements that he had made during an interview with a police detective because his statements were not made voluntarily. The relevant facts are as follows.

On June 5, 2014, Detective Tori Tracy of the Augusta, Maine, Police Department went to interview Defendant Andrew Seamon at his friend's home in Augusta. Specifically, Detective Tracy went to interview Seamon in conjunction with her investigation regarding allegations of sexual abuse by Seamon against a child. Detective Tracy drove an unmarked police cruiser to and wore plain clothes at the interview. Detective Tracy's badge and handgun were covered by her clothing and were not immediately apparent. Detective Tracy carried a concealed tape recorder to secretly record her conversation with Seamon.

When Detective Tracy first approached Seamon, he did not know why she was there. Initially, Seamon believed that Detective Tracy's presence might be related to a pending foreclosure on his home. Seamon agreed to speak with Detective Tracy; she let him choose where he wanted to talk, and he selected a spot outside of his friend's home. Detective Tracy told Seamon that she was only there to talk to him and that she would be leaving alone that day, implying that she would not arrest him. Detective Tracy did not inform Seamon that the interview was being recorded, and she did not give Seamon his Miranda warnings.

Detective Tracy explained that she was there regarding Seamon's involvement with a child, and Seamon understood what she was referring to. Seamon told Detective Tracy that he was nervous and "not in good shape at all" but that he would cooperate with her. Seamon denied engaging in any sexually inappropriate conduct with any children. Detective Tracy encouraged Seamon to tell her the truth about what had happened. Seamon never admitted to engaging in a sexual act with the child, but he described several instances of potentially inappropriate things that he may have done or said

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to the child. After about forty-five minutes, Detective Tracy attempted to end the conversation, but Seamon asked her if she could stay to talk to him longer. Seamon asked if he was going to be arrested, and Detective Tracy explained the court process and said that Seamon might be arrested at some point in the future if the case went forward. The entire interview lasted about one hour after which Detective Tracy left alone in her police cruiser.

On June 27, 2014, Seamon was indicted on two counts of gross sexual assault in violation of Maine law. In November, a superseding indictment was returned that added one count of unlawful sexual contact.

On February 19, 2016, Seamon filed a motion to suppress the statements that he had made to Detective Tracy, alleging that the statements were made involuntarily and in violation of Miranda. The trial court held an evidentiary hearing on the motion. At the hearing, Seamon described how, at the time of the interview, he was “bewildered,” suicidal, and felt that his “life was upside down.” Seamon told the trial court that he had been feeling “extremely depressed” and had, in the months prior to the interview, been in the psychiatric unit of a hospital. Seamon testified that he had submitted to Detective Tracy’s authority and that he had not answered her questions of his own free choice because he was not thinking rationally at that time. The trial court admitted the entire recording of his conversation with Detective Tracy at the evidentiary hearing on Seamon’s motion to suppress.

In a written order, the trial court denied Seamon’s motion to suppress. The trial court determined that Seamon was not in custody for Miranda purposes, and the trial court further determined that Seamon’s statements were made voluntarily. The trial court found that the interview occurred in a place of Seamon’s choosing and that he was told several times that he was not going to be arrested that day. Only one plain-clothed officer was present, and she did not display her gun. According to the trial court, Seamon and Detective Tracy were familiar with one another and “on friendly terms;” the questioning was “gentle and not harsh or accusatory;” and Seamon’s “demeanor seemed calm and in control.”

Accordingly, the trial court found “no evidence of any coercion or threats or trickery made by police” and determined that Seamon “was not made any promises or offered any deals” when he made the statements. The trial court concluded that the State had proved beyond a reasonable doubt that Seamon’s statements “were clearly the choice of a rational and clear thinking mind,” and under all of the circumstances, the “admission of [his] statements would be fundamentally fair.” Accordingly, the trial court denied Seamon’s motion to suppress.

At trial, the jury was unable to reach a verdict on the count of gross sexual assault pertaining to the alleged anal-genital contact and found Seamon not guilty on the count of gross sexual assault alleging oral-genital contact. The jury found Seamon guilty on the count charging unlawful sexual contact. The trial court then sentenced Seamon to nine years of imprisonment with all but six years suspended. Seamon, then, filed a notice of appeal challenging the trial court’s denial of his motion to suppress and his sentence.

On appeal, Seamon argued that the trial court erred in denying his motion to suppress because his statements were involuntarily made. Specifically, Seamon asked the Supreme Court of Maine to

consider the “excessive friendly” nature of the interview by Detective Tracy and his mental health issues at the time of the interview.

The Supreme Court of Maine rejected Seamon’s arguments. The Supreme Court of Maine explained that, under Maine law, the determination of whether a statement is voluntary is a mixed question of law and fact. The trial court’s factual findings are reviewed for clear error, and the application of those facts to the law is reviewed de novo. Because Seamon argued that the admission of his statement to the jury violated his Due Process rights, the Supreme Court of Maine was required to examine whether his statements were free and voluntary or whether, considering the totality of the circumstances under which the statements were made, the statements’ admission would be fundamentally unfair.

The Supreme Court of Maine then explained that the voluntariness requirement encompasses three overlapping but conceptually distinct values: (1) it discourages objectionable police practices; (2) it protects the mental freedom of the individual; and (3) it preserves a quality of fundamental fairness in the criminal justice system. A confession is voluntary if it results from the free choice of a rational mind, if it is not a product of coercive police conduct, and if under all of the circumstances its admission would be fundamentally fair.

In the instant case, the Supreme Court of Maine found that the totality of the circumstances of Seamon’s interview with Detective Tracy supported the trial court’s decision that Seamon made his statements voluntarily. The Supreme Court of Maine explained that Detective Tracy was the only officer present at the interview, she was dressed in plain clothes, and her weapon was not readily apparent. The interview took place outside of Seamon’s friend’s home at a location of Seamon’s choosing. Detective Tracy asked Seamon if he would speak with her, and he agreed to do so. The interview lasted about an hour and would have ended earlier absent Seamon’s request that Detective Tracy stay longer. At no time did Detective Tracy threaten or trick Seamon. The Supreme Court of Maine determined that these facts supported the trial court’s conclusion that Seamon made his statements to Detective Tracy voluntarily.

As for Detective Tracy’s “friendly demeanor” and her encouragement for Seamon to tell the truth, the Supreme Court of Maine found Seamon’s argument unpersuasive. The Supreme Court of Maine explained that it had previously held that “[a] confession is not voluntary where an interrogating officer, with no more than apparent authority, leads a suspect to believe that a confession will secure a favorable, concrete sentence, and that belief motivates the suspect to confess.” *State v. Wiley*, 61 A.3d 750 (Maine 2013).

Here, the Supreme Court of Maine determined that Detective Tracy made no statements, representations, or promises that Seamon’s cooperation would result in an explicitly more favorable sentence if the case were prosecuted, and her encouragement to Seamon to tell the truth was not, without more, sufficient to render his statements involuntary.

As for Seamon’s mental state at the time of the interview, the Supreme Court of Maine concluded that his mental state at the time of the interview did not render his statements involuntary. The Supreme Court of Maine found no clear error in the trial court’s factual determinations that, during the interview, Seamon told Detective Tracy that he had just completed an intensive outpatient program, was “not doing well at all,” was nervous, and had anxiety issues. At the hearing, Seamon testified that he had

been admitted to a psychiatric hospital unit a few months prior to the interview and that he felt “bewildered” and “depressed” when speaking to Detective Tracy. He also testified that he was a people-pleaser and submitted to Detective Tracy’s authority.

The trial court did not find Seamon to be credible on these points and noted that there was no psychological evidence presented regarding his condition. The trial court also found that Seamon did not appear to be sick or ill at the time of the interview, did not appear to be suffering from any obvious mental health problems, and always gave answers that made sense and were coherent. Finding no clear error in the trial court’s factual determinations, the Supreme Court of Maine concluded that the trial court did not err when it denied Seamon’s motion to suppress the statements that he made during the interview with Detective Tracy. The Supreme Court of Maine also found that the trial court did not err in sentencing Seamon and in requiring Seamon to register as a sex offender.

Note: *Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.*