

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions

Decision: 2017 ME 71
Docket: Yor-16-125
Argued: February 8, 2017
Decided: April 18, 2017
Corrected: April 20, 2017

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, HJELM, AND HUMPHREY, JJ.

STATE OF MAINE

v.

NATHAN P. TARBOX

ERRATA SHEET

The opinion of this Court certified on April 18, 2017, is amended as follows:

The last sentence of paragraph eleven is amended to read as follows:

Thus, the prosecutor's statement to the jurors that they had heard "nothing to contest" the State's case was, at the very least, an ambiguous, indirect reference to Tarbox's election not to testify, and, therefore, was improper.

Paragraph sixteen is amended to read as follows:

Given these circumstances, we conclude that Tarbox has failed to demonstrate that the State's ~~single, ambiguous comment on his choice not to testify~~ misconduct was so highly prejudicial that it tainted the proceedings and virtually deprived him of a fair trial.

The original opinion on the Judicial Branch website has been replaced with the opinion as corrected.