



**STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

NOTICE OF INVITATION TO FILE AMICUS BRIEFS

**Law Court invites amicus briefs on
the admissibility of a defendant's
refusal to submit to testing for
blood-alcohol content (BAC)
in the defendant's trial for
operating under the influence (OUI)**

The Maine Supreme Judicial Court, sitting as the Law Court, invites briefs of amici curiae on the following issue presented in the appeal of *State of Maine v. Micah N. Day*, Law Court docket number Cum-15-568:

Whether the admission of a defendant's refusal to submit to testing for blood-alcohol content at a trial for operating under the influence (OUI) violates the Fourth Amendment, despite the holding of the Supreme Court of the United States in *So. Dakota v. Neville*, 459 U.S. 553, 563-64 (1983), that the *Fifth* Amendment does not prohibit the admission into evidence of a defendant's refusal to submit to testing for blood-alcohol content.

The parties' briefs; the Court's request for the parties' positions on the issues in the appeal given the Supreme Court's recent decision in *Birchfield v. No. Dakota*, 136 S. Ct. 2160 (2016); and the parties' responses

to the Court's request are available on the Court's website at www.courts.maine.gov/quick/day.

An amicus brief may be filed by or on behalf of any individual, entity, or group of individuals and/or entities without separate leave of the Court. Any amicus brief must be filed on or before **September 9, 2016**. An amicus brief must be filed at the address listed below, and must comply with M.R. App. P. 7(c), 9(e)(1), and 9(f). In addition to filing and serving the required number of copies, any amicus must send a copy of the brief electronically, as a single "native" or text-based .pdf file, to lawcourt.clerk@courts.maine.gov.

Dated: August 12, 2016

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