

STATE OF MAINE

v.

JOSHUA R. SAVAGE

Argued June 8, 2023
September 21, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Joshua R. Savage appeals from a judgment of conviction of manslaughter (Class A), 17-A M.R.S. § 203(1)(A) (2023), and criminal OUI (Class B), 29-A M.R.S. § 2411(1-A)(D)(1-A) (2023), entered by the trial court (Somerset County, *Cashman, J.*) after Savage entered a conditional plea of nolo contendere. *See* M.R.U. Crim. P. 11(a)(2). Savage contends that the trial court erred in denying his motion to suppress because the warrant authorizing the search and seizure of his medical records and hospital blood samples was not supported by probable cause and law enforcement's reliance on the defective search warrant was objectively unreasonable. The trial court denied the motion only on the ground that the warrant was supported by probable cause. Whether the search warrant affidavit averred sufficient facts to support a finding of probable cause is a close question—and one we need not decide because, applying the federal good-faith exception,¹ we conclude that the

¹ Savage also argues that the denial of his motion to suppress violated his rights under the Maine Constitution. *See* Me. Const. art. I, § 5 (requiring that search warrants be supported by probable cause). Because Savage failed to properly preserve his argument before the trial court and has not provided an independent analysis of the state constitutional provision on appeal, we deem the issue

affidavit was not “so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.” *United States v. Leon*, 468 U.S. 897, 923 (1984) (quotation marks omitted) (establishing a good faith exception to the exclusionary rule). Therefore, we conclude, under the Fourth Amendment to the United States Constitution, that the trial court did not err in denying Savage’s motion to suppress. *See State v. Gorman*, 2004 ME 90, ¶ 41, 854 A.2d 1164 (affirming trial court action for a reason different than that given by the trial court).

The entry is:

Judgment affirmed.

Jeremy Pratt, Esq. (orally), and Ellen Simmons, Esq., Camden, for appellant Joshua R. Savage

Maeghan Maloney, District Attorney, and Francis Griffin Jr., Asst. Dist. Atty. (orally), Office of the District Attorney, Skowhegan, for appellee State of Maine

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waived. *See State v. Norris*, 2023 ME 60, ¶¶ 33-36, --- A.3d ---; *State v. Moore*, 2023 ME 18, ¶¶ 17-20, 290 A.3d 533.