

STATE OF MAINE

v.

NOREEN STROUT

Submitted on Briefs November 25, 2003

Decided December 2, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, CALKINS, and  
LEVY, JJ.

#### MEMORANDUM OF DECISION

Noreen Strout appeals from a judgment of conviction entered in the Superior Court (Oxford County, *Delahanty, J.*) for refusing to submit to arrest in violation of 17-A M.R.S.A. § 751-A (Supp. 2002) (Class D). Contrary to Strout's contentions, the court did not err in denying her motion to dismiss and her motion for judgment of acquittal because, assuming that the search warrant was illegal, the remedy for an illegal search is not dismissal of the criminal complaint nor a judgment of acquittal. *See United States v. Blue*, 384 U.S. 251, 255 (1966) (stating that the exclusionary rule for violation of Fifth Amendment rights does not extend to dismissal of prosecution); *United States v. Rodriguez*, 948 F.2d 914, 916 (5th

Cir. 1991) (holding that the exclusionary rule for violation of Fourth, Fifth, and Sixth Amendment rights does not extend to dismissal of prosecution).

The entry is:

Judgment affirmed.

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