



STATE OF MAINE
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SUPREME JUDICIAL COURT

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July 8, 2016

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Re: State of Maine v. Michal N. Day
Law Court docket number Cum-15-568

Dear Counsel:

As you likely know, on June 23, 2016, the Supreme Court of the United States decided *Birchfield v. North Dakota*, 84 U.S.L.W. 4493 (2016). An issue there was whether the Fourth Amendment to the United States Constitution permits warrantless breath tests incident to arrests for drunk driving. It appears that the holding in *Birchfield* may have some effect on the issues in this appeal.

The Court therefore requests that you each file, on or before **July 29, 2016**, a memorandum of law stating your position on the effect of *Birchfield* on the issues in this appeal. You need file only the original and one copy of the memorandum, which need not be bound. The memoranda must not exceed five pages, double-spaced with a 14-point font.

Very truly yours,

Matthew Pollack