MAINE SUPREME JUDICIAL COURT
Sitting as the Law Court

Docket No. And-25-364
Decision No. 2026 ME 96

STATE OF MAINE

v.

DUANE D. HANSON

ORDER ON MOTION TO RECONSIDER

Duane D. Hanson has filed a motion to reconsider the Court's decision dated September 10, 2026. The motion has been reviewed by the panel that decided the original appeal.

The motion to reconsider is GRANTED IN PART. The second paragraph of footnote 7 of the opinion is revised as follows:

> Also unavailing is Hanson's argument that exclusion of the evidence impaired his federal constitutional due process right to present a defense. ~~We have previously rejected such an argument, holding in *Daly* that a court's proper application of our evidentiary rules to exclude alternative-suspect evidence "did not violate [the defendant]'s rights to due process, to present a defense, and to a jury trial." 2021 ME 37, ¶¶ 26-27, 254 A.3d 426. Hanson does not explain why his case differs from *Daly* or ask us to revisit our holding in that case, and we decline to do so.~~ A review of the trial record persuades us that notwithstanding Hanson's inability to present the proffered evidence, he "retain[ed] an adequate opportunity to present his theory of the case." *Brown v. Ruane*, 630 F.3d 62, 74 (1st Cir. 2011) (rejecting petitioner's claim for a writ of habeas corpus and explaining that "the Supreme Court has rarely overturned state convictions [on due process grounds] because evidence was excluded and has in recent years made clear that only in extreme cases will such claims succeed" (quotation marks

omitted)); *cf. State v. Daly*, 2021 ME 37, ¶¶ 26-27, 254 A.3d 426 (holding that trial court's exclusion of alternative-suspect evidence "did not violate [the defendant]'s rights to due process, to present a defense, and to a jury trial").

Footnote 10 is also revised to replace the full citation to *Brown v. Ruane* with the short form citation.

All other requests for relief in the motion are DENIED.

Dated: November 17, 2026

For the Court,

/s/
Matthew Pollack
Clerk of the Law Court
Pursuant to M.R. App. P. 12A(b)(5)(A)