

REC'D ME SUPREME JUD CT  
FEB 13 '24 AM 10:47



[REDACTED]

[REDACTED]

CR

at 10:00 a.m.

nte

JURY SELECTION

CARSC

08/29/2023 HEARING - OTHER HEARING NOTICE SENT ELECTRONICALLY ON 08/29/2023

08/29/2023 TRIAL - JURY TRIAL SCHEDULE OTHER COURT ON 09/08/2023 at 09:00 a.m.

CARSC

08/29/2023 TRIAL - JURY TRIAL NOTICE SENT ELECTRONICALLY ON 08/29/2023

09/08/2023 HEARING - OTHER HEARING HELD ON 09/05/2023

STEPHEN NELSON , JUSTICE

Reporter: WENDY AMBROSE

09/08/2023 TRIAL - JURY TRIAL HELD ON 09/08/2023

STEPHEN NELSON , JUSTICE

Reporter: WENDY AMBROSE

09/08/2023 Charge(s): 1,2,3

VERDICT - GUILTY RETURNED ON 09/08/2023

09/08/2023 Charge(s): 1,2,3

FINDING - GUILTY ENTERED BY COURT ON 09/08/2023

STEPHEN NELSON , JUSTICE

09/08/2023 Charge(s): 1,2,3

FINDING - GUILTY CONT FOR SENTENCING ON 09/08/2023

09/08/2023 HEARING - SENTENCE HEARING SCHEDULE OTHER COURT ON 09/12/2023 at 09:00 a.m.

CARSC

DEFENDANT IN

PERSON

09/08/2023 HEARING - SENTENCE HEARING NOTICE SENT ELECTRONICALLY ON 09/08/2023

09/11/2023 APPEAL - NOTICE OF APPEAL FILED ON 09/11/2023

09/11/2023 ORDER - TRANSCRIPT ORDER ENTERED ON 09/11/2023

09/11/2023 MOTION - OTHER MOTION FILED BY DEFENDANT ON 09/11/2023

MOTION FOR TRANSCRIPT AT STATE EXPENSE

09/11/2023 MOTION - OTHER MOTION FILED BY DEFENDANT ON 09/11/2023

MOTION FOR STAY OF EXECUTION PENDING APPEAL

09/11/2023 Charge(s): 1

MOTION - MOTION FOR JDGMT OF ACQUITTAL FILED BY DEFENDANT ON 09/11/2023

09/12/2023 MOTION - OTHER MOTION GRANTED ON 09/11/2023

STEPHEN NELSON , JUSTICE

MOTION FOR TRANSCRIPT AT STATE EXPENSE

09/12/2023 Charge(s): 1

MOTION - MOTION FOR JDGMT OF ACQUITTAL DENIED ON 09/12/2023

STEPHEN NELSON , JUSTICE

COPIES TO PARTIES/COUNSEL

09/12/2023 HEARING - SENTENCE HEARING HELD ON 09/12/2023

STEPHEN NELSON , JUSTICE

FTR CARSC

09/12/2023 Charge(s): 1  
RULING - ORIGINAL ORDERED ON 09/12/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 1 REFUSING TO SUBMIT TO ARREST OR DETENT, PHYS FORCE 17-A 751-B(1)(B) Class D as charged and convicted.

The defendant is sentenced to the AROOSTOOK COUNTY JAIL for a term of 7 day(s).

This sentence to be served concurrently with: AROCD202340334 Charge: 2  
This sentence to be served concurrently with: AROCD202340334 Charge: 3

Execution stayed pending appeal.

Defendant to receive credit for time served.

\$ 20 VICTIMS COMPENSATION FUND  
\$ 5 VICTIMS PROPERTY COMP FUND  
**TOTAL DUE:\$ 25.00.**

09/12/2023 Charge(s): 2  
RULING - ORIGINAL ORDERED ON 09/12/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 2 FAILURE TO REGISTER VEHICLE 29-A 351(1)(E) Class E as charged and convicted.

The defendant is sentenced to the AROOSTOOK COUNTY JAIL for a term of 2 day(s).

This sentence to be served concurrently with: AROCD202340334 Charge: 1  
This sentence to be served concurrently with: AROCD202340334 Charge: 3

Execution stayed pending appeal.

Defendant to receive credit for time served.

\$ 20 VICTIMS COMPENSATION FUND  
\$ 5 VICTIMS PROPERTY COMP FUND  
**TOTAL DUE:\$ 25.00.**

09/12/2023 Charge(s): 3  
RULING - ORIGINAL ORDERED ON 09/12/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 3 VIOLATING CONDITION OF RELEASE 15 1092(1)(A) Class E as charged and convicted.

The defendant is sentenced to the AROOSTOOK COUNTY JAIL for a term of 2 day(s).

This sentence to be served concurrently with: AROCD202340334 Charge: 1  
This sentence to be served concurrently with: AROCD202340334 Charge: 2

Execution stayed pending appeal.

CR\_200, Rev. 07/15 Page 4 of 5

Printed on: 09/14/2023

Defendant to receive credit for time served.

\$ 20 VICTIMS COMPENSATION FUND  
\$ 5 VICTIMS PROPERTY COMP FUND  
TOTAL DUE:\$ 25.00.

09/12/2023 Charge(s): 1  
RULING - ORIGINAL ISSUED ON 09/12/2023  
STEPHEN NELSON , JUSTICE  
DEFENDANT ACKNOWLEDGES RECEIPT

09/12/2023 Charge(s): 2  
RULING - ORIGINAL ISSUED ON 09/12/2023  
STEPHEN NELSON , JUSTICE  
DEFENDANT ACKNOWLEDGES RECEIPT

09/12/2023 Charge(s): 3  
RULING - ORIGINAL ISSUED ON 09/12/2023  
STEPHEN NELSON , JUSTICE  
DEFENDANT ACKNOWLEDGES RECEIPT

09/12/2023 BAIL BOND - UNSECURED BAIL BOND CONT AS POST CONVIC ON 09/12/2023  
STEPHEN NELSON , JUSTICE  
Date Bailed: 05/22/2023

09/12/2023 MOTION - OTHER MOTION GRANTED ON 09/12/2023  
STEPHEN NELSON , JUSTICE  
MOTION FOR STAY OF EXECUTION PENDING APPEAL

09/14/2023 APPEAL - NOTICE OF APPEAL SENT TO REPORTER/BR ON 09/14/2023

COPY GIVEN TO WENDY

09/14/2023 APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 09/14/2023

EMAILED TO LAW COURT

A TRUE COPY

ATTEST: \_\_\_\_\_

Clerk

State Of Maine

UNIFIED CRIMINAL DOCKET

JUDGMENT AND COMMITMENT

Docket No. AROCD-CR-2023-40334

County/Location AROOSTOOK

Male  Female

Date: 9-12-23

DOB [REDACTED] 1975

State of Maine v. CHRISTINE A DESROSIERS

Residence: [REDACTED]

Offense(s) charged:
REFUSING TO SUBMIT TO ARREST OR DETENT, PHYS FORCE
Class: D DOV: 05/20/2023 Seq #: 11512 Title: 17-A / 751-B / 1 / B
FAILURE TO REGISTER VEHICLE
Class: E DOV: 05/20/2023 Seq #: 13993 Title: 29-A / 351 / 1 / E
VIOLATING CONDITION OF RELEASE
Class: E DOV: 05/20/2023 Seq #: 9632 Title: 15 / 1092 / 1 / A

Charged by:
Charge:1  indictment
Charge:2  information
Charge:3  complaint

Plea(s):  Guilty  Nolo  Not Guilty

Date of Violation(s):

Offense(s) convicted:
REFUSING TO SUBMIT TO ARREST OR DETENT, PHYS FORCE
Class: D DOV: 05/20/2023 Seq #: 11512 Title: 17-A / 751-B / 1 / B
FAILURE TO REGISTER VEHICLE
Class: E DOV: 05/20/2023 Seq #: 13993 Title: 29-A / 351 / 1 / E
VIOLATING CONDITION OF RELEASE
Class: E DOV: 05/20/2023 Seq #: 9632 Title: 15 / 1092 / 1 / A

Convicted on:
Charge: 1  plea
Charge: 2  jury verdict
Charge: 3  court finding

It is adjudged that the defendant is guilty of the offenses as shown above and convicted.

It is adjudged that the defendant be hereby committed to the sheriff of the within named county or his authorized representative who shall without needless delay remove the defendant to:
The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of

A County jail to be punished by imprisonment for a term of 7 days CT 1, 2 days CTs 2 & 3, CFTS

This sentence to be served (consecutively to) (concurrently with) each other

Execution stayed to on or before: pending appeal at (a.m.)(p.m.)

Notice to Defendant: Your sentence does not include any assurance about the location of the facility where you will be housed during your commitment.

It is ordered that all (but) of the sentence (as it relates to confinement)(as it relates to the) be suspended and the defendant be placed on a period of

probation supervised release administrative release
for a term of (years)(months) upon conditions attached hereto and incorporated by reference herein.

- said probation or supervised release to commence (upon completion of the unsuspended term of imprisonment).
said administrative release to commence immediately.
The defendant shall serve the initial portion of the foregoing sentence at a County jail.



It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ as a fine to the clerk of the court, plus applicable surcharges and assessments.  
 All but \$ \_\_\_\_\_ suspended. The total amount due, including surcharges and assessments is \$ 75.00.  
This amount is payable immediately or in accordance with the Order on Payment of Fines incorporated by reference herein.

It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ as restitution for the benefit of \_\_\_\_\_.

\_\_\_\_\_. (17-A M.R.S. § 1152-2-A).

- Restitution is joint and several pursuant to 17-A M.R.S. § 1326-E.
- Restitution is to be paid through the Office of the prosecuting attorney, except that during any period of commitment to the Department of Corrections and/or any period of probation imposed by this sentence, restitution is to be paid to the Department of Corrections.
- A separate order for income withholding has been entered pursuant to 17-A M.R.S. § 1326-B incorporated by reference herein.
- Execution/payment stayed to pay in full by \_\_\_\_\_
- Installment payments of \_\_\_\_\_ to be made (weekly) (biweekly) (monthly) or warrant to issue
- Restitution is to be paid to the Department of Corrections on a schedule to be determined by the Department.

It is ordered pursuant to applicable statutes, that the defendant's motor vehicle operator's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license and/or the defendant's right to register a motor vehicle is suspended in accordance with notice of suspension incorporated herein.

It is ordered that the defendant perform \_\_\_\_\_ hours of court-approved community service work within \_\_\_\_\_ (weeks) (months) for the benefit of \_\_\_\_\_.

It is ordered that the defendant pay \$ \_\_\_\_\_ for each day served in the county jail, to the treasurer of the above named county. (up to \$80/Day) (17-A M.R.S. § 1341)

Execution/payment stayed to pay in full by \_\_\_\_\_ or warrant to issue.

It is ordered that the defendant shall participate in alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the office of substance abuse. (29 M.R.S. § 1312-B (2)(D-1), 29-A M.R.S. § 2411 (5)(F))

It is ordered that the defendant forfeit to the state the firearm used by the defendant during the commission of the offense(s) shown above. (17-A M.R.S. § 1158)

It is ordered that the defendant is prohibited from owning, possessing or having under the defendant's control a firearm. (15 M.R.S. § 393)

Other: \_\_\_\_\_

It is ordered that the defendant be unconditionally discharged. (17-A M.R.S. § 1201)

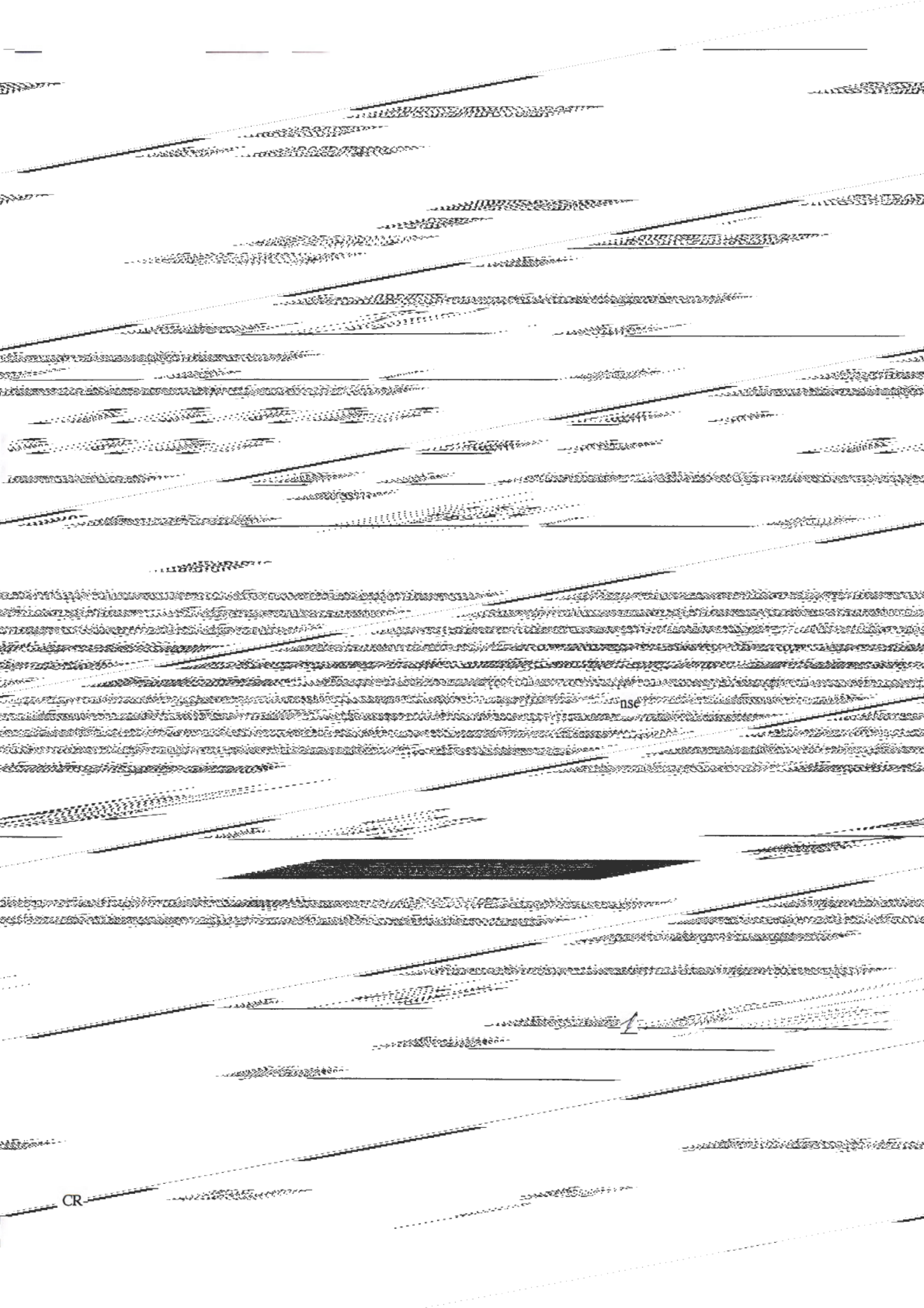
If the defendant has been convicted of an applicable offense listed in 25 M.R.S. § 1574, then the defendant shall submit to having a DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of the probation period as directed by the probation officer.

**WARNING: IT IS A VIOLATION OF STATE LAW, AND MAY BE A VIOLATION OF FEDERAL LAW, FOR THE DEFENDANT TO OWN, POSSESS OR HAVE UNDER THEIR CONTROL A FIREARM IF THAT PROHIBITION HAS BEEN ENTERED AS PART OF THIS JUDGMENT OR ANY OTHER COURT ORDER.**

It is further ordered that the clerk deliver a certified copy of this judgment and commitment to the sheriff of the above named county or his authorized representative and that the copy serve as the commitment of the defendant. Reasons for imposing consecutive sentences are contained in the court record or in attachments hereto.

All pending motions, other than motions relating to payment of fees and bail are hereby declared moot (except \_\_\_\_\_.)

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**LATE PAYMENT OF FINES NOTICE**

**EFFECTIVE 01/01/2004**

All fines imposed as of 1/1/04 are subject to a late fee if the fine is not paid by the date it is due. If the payment is not paid on the due date, a late payment fee will be assessed, in addition to the amount due on each fine, as follows:

For original fines less than or equal to \$100.00, the late payment fee is \$ 25.00

For original fines greater than \$100.00 and less than or equal to \$500.00, the late payment fee is \$ 50.00

For original fines greater than \$500.00, the late payment fee is \$100.00

The amount due on any late payment fee shall be determined by the amount of the fine specified on the face of the judgment, without regard to increases from surcharges or decreases from partial payments. Where part of the fine is suspended, the amount due shall be determined based on the remaining, unsuspended portion of the fine.

**WARNING**

**PAYMENT MUST BE RECEIVED AT THE COURT ON THE DATE THAT THE FINE PAYMENT IS DUE - PLEASE TAKE THIS INTO CONSIDERATION WHEN MAILING YOUR FINE PAYMENTS. BECAUSE THESE FEES ARE ASSESSED AUTOMATICALLY BY THE JUDICIAL BRANCH'S COMPUTER NETWORK, THERE WILL BE NO EXCEPTIONS TO THIS RULE.**

**SURCHARGES**

Maine law requires that certain surcharges be added to the amount of every fine. Please contact the Clerk's Office if you have any questions about the surcharges.

**PAYMENT OPTIONS**

Payments to the Court may be made in any of the following ways:

1. By mail via check or money order in US funds made payable to Treasurer, State of Maine. Please include the docket number on your check or money order.
2. In person at the Court listed on this Order between 8:00 a.m. and 4:00 p.m. Monday through Friday. You may pay in person by cash, check, money order, or credit card (Master Card, Visa, or Discover).
3. By credit card (Master Card, Visa, or Discover). Payments may be made by calling toll free: 1-866-729-8499.
4. On line. Go to <http://www.maine.gov/courtfines>

1 Q. Okay. And who took her to the police  
2 department, if you know?

3 A. Sergeant White.

4 Q. Um, where did you respond from the  
5 Save-A-Lot parking lot?

6 A. I also went back to the police department  
7 with Sergeant White.

8 Q. Okay. Um, and did you play any role at  
9 the Presque Isle Police Department regarding  
10 Christine Desrosiers?

11 A. I did, yes.

12 Q. What role did you play at the police  
13 department?

14 A. When we got back to the police department,  
15 um, Sergeant White took her into booking. I again  
16 searched her. We took off her glasses and her belt  
17 and her shoes and placed her in the holding cell.

18 Q. Were her handcuffs removed?

19 A. Yes.

20 Q. Um, did you get to check on her at any  
21 point while she was in the cell?

22 A. Um, we were watching her on the screen in  
23 dispatch, and then when -- um, once all the  
24 paperwork was ready to transport her to the Houlton  
25 jail, I went back in and assisted with that.

1 Q. Why did you stay to assist?

2 A. Um, I stayed to assist because she kept  
3 making claims that she had been raped by a police  
4 officer somewhere else and I wanted to ensure her  
5 safety and also the safety of the other officers  
6 that were on scene.

7 Q. And you're -- what gender are you?

8 A. I'm a female, yes.

9 Q. Okay. Is there a policy regarding females  
10 and female officers and searches of female  
11 defendants?

12 A. There is not, no.

13 Q. Okay. So, were you staying voluntarily on  
14 scene to assist?

15 A. Yes.

16 THE STATE: Okay. Thank you. Nothing  
17 further.

18 THE COURT: All right. Cross?

19 MR. PERRY: No cross-examination, your  
20 Honor.

21 THE COURT: All right. Thank you. You  
22 may step down. Any further witnesses from the  
23 State?

24 THE STATE: No, your Honor.

25 THE COURT: All right. So, State rests? 11

1 THE STATE: Yes, your Honor.

2 THE COURT: All right. And so, ladies and  
3 gentlemen, we're gonna take our noon recess a little  
4 bit early today. We're gonna break between now and  
5 quarter after 12. At quarter after 12, we're gonna  
6 resume. And so even though the jury has heard some  
7 evidence and you'll be out and about in the  
8 community, it's still not an opportunity for you to  
9 discuss any aspects of the trial either with one  
10 another or with anyone you encounter. And, also,  
11 the jury is instructed, as is any participant in the  
12 case, to avoid one another so there can't be any  
13 claims of tampering or otherwise trying to influence  
14 the jury. And so, with that, the jury is excused  
15 until 12:15 for our noon recess.

16 (The jury was excused from the courtroom  
17 at this time. The following proceeding was held out  
18 of the presence of the jury.)

19 THE COURT: Thank you, folks. Please be  
20 seated. All right. And so the State has rested,  
21 which means, Miss Desrosiers, the State's put on all  
22 the evidence that it wishes to present. Mr. Perry?

23 \* \* \* \* \*

24 DEFENDANT'S MOTION

25 MR. PERRY: Yes. We'd move for Judgment

1 of Acquittal on the Refusing to Submit to Arrest,  
2 Count 1. That requires the use of physical force  
3 against a law enforcement officer; and, um, the  
4 officers have been unanimous that Christine was  
5 passively resisting. Um, the best they could come  
6 up with was -- it was the force of gravity, which is  
7 not something she has control over. Your Honor, so  
8 ask for directed verdict on that count, please.

9 THE COURT: Okay. All right. From the  
10 State?

11 THE STATE: Yes. As to that, it doesn't  
12 require an assault on an officer, your Honor. It  
13 requires a degree of force. So, first is that she  
14 refused to cooperate and was pulling away when they  
15 were trying to use cuffs as use of force. Her body  
16 going limp and pulling away and dropping to the  
17 ground is a degree of force. Um, it's not --  
18 there's nothing that says that that is an assaultive  
19 behavior against an officer. It's just that she is  
20 using force to hinder her detention, um, and her  
21 arrest; and the State believes that it has met that  
22 burden, your Honor.

23 THE COURT: Okay. All right. Anything  
24 further on the Rule 29 motion, Mr. Perry?

25 MR. PERRY: No, thank you, your Honor.

1 THE COURT: Okay. All right. In  
 2 reviewing any motion for acquittal, the test is  
 3 whether the evidence as a whole assessed most  
 4 favorably to the State, whether there is no trier of  
 5 fact could rationally find proof of guilt beyond a  
 6 reasonable doubt. That includes all inferences, um,  
 7 on that evidence. And so the issue raised is  
 8 whether there was proof sufficient to satisfy the  
 9 beyond a reasonable doubt standard as to whether  
 10 there was a use of physical force against a law  
 11 enforcement officer. Um, in light of the standard,  
 12 a rational juror could find beyond a reasonable  
 13 doubt that either the pulling away from the officer  
 14 if those facts are found by the jury or attempting  
 15 to drag the officers down as they are trying to  
 16 effectuate an arrest was the use of physical force  
 17 against the law enforcement officer. And so based  
 18 on that, the Rule 29 motion is denied. And so that  
 19 means the trial will continue.

20 Um, at this point, the Court wishes to  
 21 address Miss Desrosiers on certain aspects of rights  
 22 that she has related to the trial. I'm not going to  
 23 be asking for any answers from Miss Desrosiers, but  
 24 we'll address that when we come back from the lunch  
 25 recess. So, Miss Desrosiers, you understand a

1 defendant in a criminal case has no obligation  
 2 whatsoever to call any witnesses, produce any  
 3 evidence, or testify? Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. However, a person  
 6 facing a criminal charge also has the right to call  
 7 witnesses, the right to testify, and the right to  
 8 present evidence. Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: All right. And if you elect  
 11 to call any witnesses, those witnesses would be  
 12 subject to direct examination by your attorney and  
 13 cross-examination by the prosecutor. Do you  
 14 understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And, likewise, if you elect to  
 17 testify, you'd be subject to direct examination by  
 18 Mr. Perry and cross-examination by attorney Wells-  
 19 Puckett. Do you understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: All right. Do you understand  
 22 whose decision it is whether you testify?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: It's not up to me. It's not  
 25 up to the prosecutor. It's not up to Mr. Perry. 12

1 It's up to you. Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And whatever decision you make  
 4 is respected by the Court. Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: And if you elect not to  
 7 testify, the jury will be informed that that's not  
 8 evidence and not to be considered relative to guilt  
 9 because a defendant never has any burden to produce  
 10 any witnesses or testify. Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: All right. And so during the  
 13 lunch recess, the Court would expect there may be  
 14 some discussion between you and Mr. Perry; but,  
 15 ultimately, the decision is yours. If you have any  
 16 questions, certainly direct them to Mr. Perry; and  
 17 then we'll seek to resume after the recess. At this  
 18 point, Mr. Perry, are you comfortable in disclosing  
 19 to the Court whether you anticipate calling any  
 20 witnesses other than the Defendant?

21 MR. PERRY: Yes, Jean Moyer.

22 THE COURT: Okay. At this point, do you  
 23 know whether a decision has been made related to  
 24 whether Miss Desrosiers will testify?

25 MR. PERRY: Yes, she will.

1 THE COURT: Okay. Is that correct, ma'am?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: You understand you can't be  
 4 forced to?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: All right. And so do you know  
 7 who you wish to call first, Mr. Perry?

8 MR. PERRY: It would be the Defendant,  
 9 Christine Desrosiers.

10 THE COURT: Okay. All right. And so  
 11 that's correct?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Okay. All right. So, that's  
 14 where we'll pick up. But I did want to address an  
 15 issue, um, because the Defense is seeking to call --  
 16 it's Miss Moyer?

17 MR. PERRY: Jean Moyer, M-O-Y-E-R.

18 THE COURT: Jean Moyer? All right. And  
 19 that's an individual that is alleged to have been  
 20 present during the incident, correct?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: All right. And the State --  
 23 the prosecution -- the prosecutor's office has  
 24 directed the officer to summons or charge Miss Moyer  
 25 from that incident; is that correct?

STATE OF MAINE  
AROOSTOOK, ss

UNIFIED CRIMINAL DOCKET  
LOCATION: PRESQUE ISLE  
DOCKET NO: AROCD-CR-23-

40334

STATE OF MAINE

COMPLAINT

CARIBOU COURT  
MAY 22 2023

v.

CHRISTINE A. DESROSIERS  
DOB: [REDACTED] 1975

COUNT 1: REFUSING TO SUBMIT TO ARREST  
COUNT 2: OPERATING AN UNREGISTERED  
VEHICLE  
COUNT 3: VIOLATION OF CONDITION OF  
RELEASE

[REDACTED] 2  
Wt: 160 H: Brown

The undersigned officer, being duly sworn, states upon information and belief that:

COUNT 1:

17-A M.R.S. §751-B(1)(B)  
Seq No: 11512  
REFUSING TO SUBMIT TO ARREST  
CLASS D  
ATNCTN 479987B001

On or about May 20, 2023, in Presque Isle, Aroostook County, Maine, CHRISTINE A. DESROSIERS, with intent to hinder, delay or prevent a law enforcement officer from effecting an arrest or detention CHRISTINE A. DESROSIERS, did use physical force against the law enforcement officer.

COUNT 2:

29-A M.R.S. §351(1)(E)  
Seq No: 13993  
OPERATING AN UNREGISTERED VEHICLE  
CLASS E  
ATNCTN 479987B002

On or about May 20, 2023, in Presque Isle, Aroostook County, Maine, CHRISTINE A. DESROSIERS, did operate an unregistered vehicle, did fail to register a vehicle or did permit a vehicle that is unregistered to remain on a public way and the vehicle has never been registered by the current owner.

COUNT 3:

15 M.R.S. §1092(1)(A)  
Seq No: 9632  
VIOLATION OF CONDITION OF RELEASE  
CLASS E  
ATNCTN 479987B003

On or about May 20, 2023, in Presque Isle, Aroostook County, Maine, CHRISTINE A. DESROSIERS, having been granted pre-conviction bail on condition that she commit no criminal act, did violate that condition.

Criminal Complaint, page 2 of 2  
CHRISTINE A. DESROSIERS

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*  
CHRISTINE A. DESROSIERS  
*[Handwritten signature]*

of 1016  
at 1016  
2012  
1016  
1016



UNIT 100

CARIBOU COURTS  
SEP 11 '23 AM 9:43

STATE OF MAINE  
AROOSTOOK, ss

UNIFIED CRIMINAL DOCKET  
LOCATION: CARIBOU  
DOCKET NO.: AROCD-CR-2023-40334

STATE OF MAINE )  
v. )  
CHRISTINE DESROSIERS )  
Defendant )

MOTION FOR ACQUITTAL  
AFTER VERDICT

NOW COMES the Defendant, by and through undersigned counsel, and moves the Court to set aside the verdict on Count 1 returned on September 8, 2023 and enter judgment of acquittal. This motion is brought pursuant to M. R. Crim P. 29 (b) because an essential element of the offense is the use of physical force against a law enforcement officer, and there was absolutely no evidence of such use of force.

WHEREFORE, Defendant prays this Honorable Court to enter judgment of acquittal as to Count 1.

Mark A. Perry  
Mark A. Perry, Esq., Bar No. 002477  
Attorney for the Defendant  
35 Monument Drive  
Eddington, Maine 04428  
207-478-8494

Dated: September 11, 2023

CERTIFICATE OF SERVICE:

I certify that a true copy of the foregoing Motion was sent to the State via electronic mail to Kari@aroostook.me.us on September 11, 2023.

Mark A. Perry  
Mark A. Perry Esq.

Defendant's Motion is ~~denied~~ *denied* and is hereby ordered

*with no oral  
hearings*

*[Signature]*  
Judge Justice, United Criminal Court

[Redacted]

People of Maryland

ARTICLE 27, § 75A (Annotated Code of Maryland, § 27-75A)

repealed

ARTICLE 27, § 75A (Annotated Code of Maryland, § 27-75A)

§ 75A.B. Resistance to arrest or detention of Bureau of Motor Vehicle Safety

1. A person is guilty of resisting to submit to arrest or detention if, with the intent to hinder, delay, or prevent a law enforcement officer from effecting the arrest or detention of that person or any other person, the person:

A. Performs any act of physical interference or resistance, including flight, violation of this paragraph is a Class D crime.

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime, or

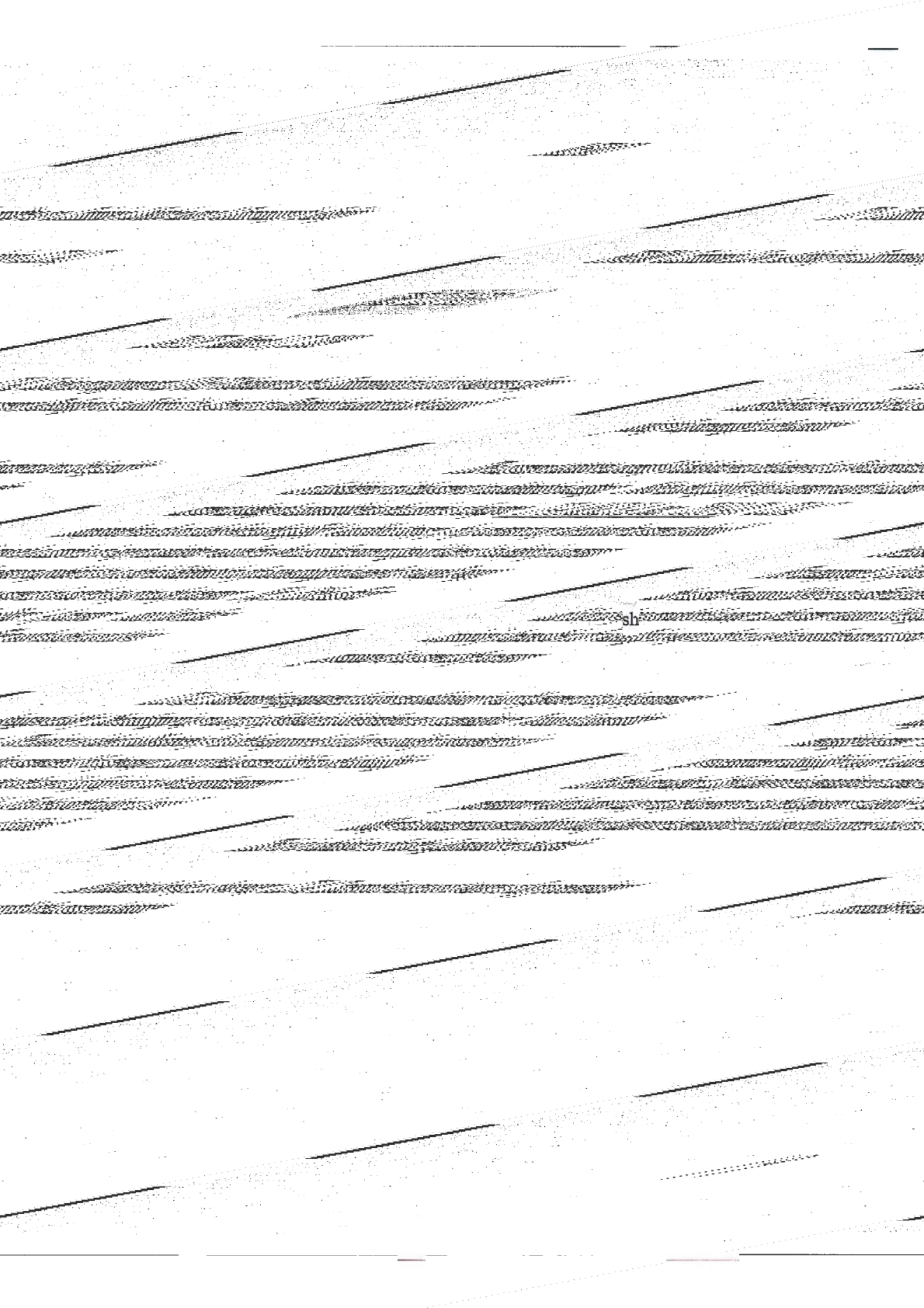
C. Causes a substantial risk of bodily injury to the law enforcement officer, including assault on the officer, or attempts to do so, by lawfully or otherwise evading the law enforcement officer, resulting in the law enforcement officer's pursuing, chasing, or attempting to pursue or chase the person on foot. Violation of this paragraph is a Class D crime.

2. It is a defense to prosecution under this section that the person reasonably believed that the person or employee to effect the arrest or detention was not a law enforcement officer.

§ 27-75A.B.

Under Maryland Code, Criminal Law and Procedure, Title 27, Subtitle B, § 75A.B. (Annotated Code of Maryland, § 27-75A.B.), the following offenses are defined:

Offense	Actus Reus	Mens Rea	Defenses
Resistance to arrest or detention of Bureau of Motor Vehicle Safety	Physical interference or resistance, including flight, violation of this paragraph is a Class D crime.	Intent to hinder, delay, or prevent a law enforcement officer from effecting the arrest or detention of that person or any other person.	Reasonable belief that the person or employee to effect the arrest or detention was not a law enforcement officer.
Use of physical force against the law enforcement officer	Use of physical force against the law enforcement officer.	Intent to hinder, delay, or prevent a law enforcement officer from effecting the arrest or detention of that person or any other person.	Reasonable belief that the person or employee to effect the arrest or detention was not a law enforcement officer.
Causing a substantial risk of bodily injury to the law enforcement officer	Causing a substantial risk of bodily injury to the law enforcement officer, including assault on the officer, or attempts to do so, by lawfully or otherwise evading the law enforcement officer, resulting in the law enforcement officer's pursuing, chasing, or attempting to pursue or chase the person on foot.	Intent to hinder, delay, or prevent a law enforcement officer from effecting the arrest or detention of that person or any other person.	Reasonable belief that the person or employee to effect the arrest or detention was not a law enforcement officer.



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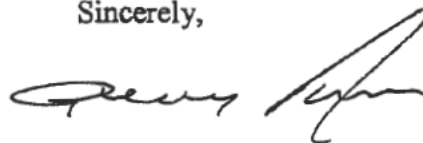
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Two aspects of the bill may suggest a legislative response. As the CLAC testimony points out, the bill could criminalize conduct which consists only of passive response to arrest. The CLAC testimony notes that the Legislature could decide this conduct creates such a risk of harm to arresting officers that it should be criminalized. My question is whether the citizens of Maine, who sit as jurors, would agree that passive resistance, a classic element of civil disobedience, is criminal behavior.

The second area of concern, where I may diverge from CLAC, is whether flight alone, occurring before an officer can effect the arrest for an earlier crime, should be a crime. I recognize that those situations can be both frustrating and dangerous for police. If the suspect flees before the officer can physically gain control there is not an Escape. Particularly if the suspect has committed a crime of violence, or there is an outstanding warrant, the officer will reasonably want to pursue the suspect. Officers can be hurt, and have been hurt, trying to pursue fleeing suspects. The question for you is whether such an act of flight should carry a criminal consequence in addition to the consequences for the underlying offense. If you conclude that flight alone, without additional violence, is criminal, I suggest it be a Class E crime. This is comparable to the traffic crime of Failure to Stop in 29-A M.R.S.A. §2414. I also suggest that any new crime be limited to flight from arrest on a warrant, or when the officer has probable cause to believe the defendant has committed an arrestable offense. It would not be criminal to flee when the officer only has the constitutional right to detain a person for investigation.

I have spoken to John Pelletier about this last suggestion. I believe he has asked his CLAC colleagues to review it. I will attend the work session on March 27 and will be happy to answer questions at that time.

Sincerely,



Geoffrey Rushlau,  
District Attorney

GR/kp