

THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE
SITTING AS THE LAW COURT

LAW COURT DOCKET NO. Han-23-466

STATE OF MAINE
Appellee

v.

CRAIG A. WOODARD
Appellant

ON APPEAL from the Hancock County
Unified Criminal Docket

APPENDIX

Rory A. McNamara # 5609
DRAKE LAW LLC
P.O. Box 143
York, ME 03909
(207) 475-7810

ATTORNEY FOR DEFENDANT

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CERTIFICATE OF SERVICE

I hereby certify that I caused eight copies of this Appendix to be filed at this Court by sending them via U.S. Mail to the Clerk of this Court. I further certify that I caused one copy to be served on opposing counsel via U.S. Mail at the address listed in the Board of Bar Overseers’ database.

/s/ Rory A. McNamara, #5609
DRAKE LAW LLC
P.O. Box 143
York, ME 03909

STATE OF MAINE
vs
CRAIG WOODARD

CRIMINAL DOCKET
HANCOCK, ss.
Docket No HANCD-CR-2020-00450

DOCKET RECORD

DOB: 07/11/1990

Attorney: RORY MCNAMARA
DRAKE LAW LLC
PO BOX 143
Pro Se. YORK ME 03909
APPOINTED 11/21/2023

State's Attorney: MATTHEW FOSTER

Filing Document: CRIMINAL COMPLAINT
Filing Date: 05/08/2020

Major Case Type: FELONY (CLASS A,B,C)

Charge(s)

1	ELEVATED AGGRAVATED ASSAULT	05/07/2020	BUCKSPORT
Seq 10077	17-A 208-B(1)(A)	Class A	
WINCHESTER	/	BUC	
2	AGGRAVATED ASSAULT	05/07/2020	BUCKSPORT
Seq 630	17-A 208(1)(B)	Class B	
WINCHESTER	/	BUC	
3	ASSAULT	05/07/2020	BUCKSPORT
Seq 8382	17-A 207(1)(A)	Class D	
WINCHESTER	/	BUC	

Docket Events:

- 05/08/2020 FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 05/08/2020
- 05/08/2020 WARRANT - ON AFFIDAVIT REQUESTED ON 05/08/2020
- 05/08/2020 WARRANT - ON AFFIDAVIT ORDERED ON 05/08/2020
ROBERT E MURRAY JR, JUSTICE
DEFENDANT TO BE HELD WITHOUT BAIL PENDING INITIAL APPEARANCE
- 05/08/2020 WARRANT - ON AFFIDAVIT ISSUED ON 05/08/2020
ROBERT E MURRAY JR, JUSTICE
- 05/08/2020 WARRANT - ON AFFIDAVIT VACATED ON 05/08/2020
- 05/08/2020 WARRANT - ON AFFIDAVIT CANCEL ACKNOWLEDGED ON 05/08/2020 at 01:54 p.m.
- 05/08/2020 WARRANT - ON AFFIDAVIT ORDERED ON 05/08/2020
ROBERT E MURRAY JR, JUSTICE
DEFENDANT TO BE HELD WITHOUT BAIL PENDING INITIAL APPEARANCE
- 05/08/2020 WARRANT - ON AFFIDAVIT ISSUED ON 05/08/2020
ROBERT E MURRAY JR, JUSTICE
DEFENDANT TO BE HELD WITHOUT BAIL PENDING INITIAL APPEARANCE
- 05/08/2020 WARRANT - ON AFFIDAVIT MODIFY ACKNOWLEDGED ON 05/08/2020 at 02:06 p.m.
- 05/08/2020 WARRANT - ON AFFIDAVIT EXECUTED BY AGENCY ON 05/08/2020 at 02:55 p.m.
- 05/18/2020 BAIL BOND - \$25,000.00 SURETY BAIL BOND FILED ON 05/13/2020

RECEIVED
NOV 28 2023
Clerk's Office
Maine Supreme Judicial Court

Bail Amt: \$25,000 Surety Type: REAL ESTATE Surety Value: \$25,000
 County: HANCOCK County Book ID: 7021 Book Page: 146
 Date Bailed: 05/12/2020 Prvdr Name: TIMOTHY WOODARD
 Lien Issued: 05/12/2020 Rtrn Name: TIMOTHY WOODARD
 Lien Discharged: 11/17/2023

05/27/2020 Charge(s): 1

HEARING - INITIAL APPEARANCE HELD ON 05/11/2020 at 01:06 p.m.
MICHAEL ROBERTS , JUDGE
Attorney: STEVEN JUSKEWITCH
DA: DAWN CORBETT
05/27/2020 Charge(s): 1
PLEA - NO ANSWER ENTERED BY DEFENDANT ON 05/11/2020

05/27/2020 BAIL BOND - \$10,000.00 CASH BAIL BOND SET BY COURT ON 05/11/2020
MICHAEL ROBERTS , JUDGE
OR \$25,000 SURETY; NO USE OR POSSESS ANY DANGEROUS WEAPONS OR FIREARMS, SUBMIT TO RANDOM SEARCH AND TEST AT ANY TIME; HAVE NO DIRECT OR INDIRECT CONTACT WITH FOREST DALE, KAREN KANE, JEREMY KANE OR MORRIS DECKERS MUST BE AT [REDACTED], BUCKSPORT ME; MUST LIVE WITH TIM WOODWARD OR MARGARET ROBBINS AND NOT LEAVE UNLESS FOR COURT, MEDICAL OR WORK; MAY LEAVE FOR THOSE INDEPENDANTLY

05/27/2020 BAIL BOND - CASH BAIL BOND COND RELEASE ISSUED ON 05/11/2020

05/27/2020 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 09/17/2020 at 10:30 a.m.

06/05/2020 Charge(s): 1
MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 06/05/2020

06/10/2020 Charge(s): 1
MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 06/08/2020
MICHAEL ROBERTS , JUDGE
COPY TO PARTIES/COUNSEL

06/10/2020 Party(s): CRAIG WOODARD
ATTORNEY - APPOINTED ORDERED ON 06/08/2020
Attorney: STEVEN JUSKEWITCH

09/17/2020 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 09/17/2020
ROBERT E MURRAY JR, JUSTICE
Attorney: STEVEN JUSKEWITCH
DA: DAWN CORBETT

09/17/2020 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 10/22/2020 at 10:30 a.m.

10/07/2020 MOTION - MOTION FOR PROTECTIVE ORDER FILED BY STATE ON 10/07/2020
MOTION FOR PROTECTIVE DISCOVERY ORDER

10/08/2020 MOTION - MOTION FOR PROTECTIVE ORDER GRANTED ON 10/08/2020
MICHAEL ROBERTS , JUDGE
COPY TO PARTIES/COUNSEL

10/13/2020 Charge(s): 1,2,3
HEARING - ARRAIGNMENT SCHEDULED FOR 10/22/2020 at 10:30 a.m.

10/13/2020 Charge(s): 1,2,3
HEARING - ARRAIGNMENT NOTICE SENT ON 10/13/2020

10/13/2020 Charge(s): 1,2,3
SUPPLEMENTAL FILING - INDICTMENT FILED ON 10/13/2020

10/22/2020 Charge(s): 1,2,3
HEARING - ARRAIGNMENT HELD ON 10/22/2020
PATRICK LARSON , JUDGE
Attorney: STEVEN JUSKEWITCH
DA: DAWN CORBETT
DEFENDANT INFORMED OF CHARGES. SC

10/22/2020 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 10/22/2020
PATRICK LARSON , JUDGE
Attorney: STEVEN JUSKEWITCH
DA: DAWN CORBETT
SC

10/22/2020 Charge(s): 1,2,3
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 10/22/2020

10/22/2020 Charge(s): 1,2,3
TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 01/04/2021 at 09:00 a.m.

ELLSC

12/23/2020 Charge(s): 1,2,3
TRIAL - DOCKET CALL CONTINUED ON 12/23/2020

12/23/2020 Charge(s): 1,2,3
TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 03/01/2021 at 09:00 a.m.

ELLSC

12/23/2020 Charge(s): 1,2,3
TRIAL - DOCKET CALL NOTICE SENT ON 12/23/2020

01/29/2021 Charge(s): 1,2,3
TRIAL - DOCKET CALL CONTINUED ON 01/29/2021

01/29/2021 Charge(s): 1,2,3
TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 05/05/2021 at 09:00 a.m.

ELLSC

03/02/2021 Charge(s): 1,2,3
TRIAL - DOCKET CALL CONTINUED ON 03/02/2021
ROBERT E MURRAY JR, JUSTICE
DUE TO COVID 19 AND CDC GUIDELINES

03/02/2021 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 07/08/2021 at 01:00 p.m.

ELLSC

03/02/2021 TRIAL - DOCKET CALL NOTICE SENT ON 03/02/2021

04/12/2021 Charge(s): 1,2,3
MOTION - MOTION FOR DISCOVERY FILED BY DEFENDANT ON 04/12/2021

04/26/2021 HEARING - MOTION FOR DISCOVERY SCHEDULE OTHER COURT ON 05/17/2021 at 08:30 a.m.

ELLSC

04/26/2021 HEARING - MOTION FOR DISCOVERY NOTICE SENT ELECTRONICALLY ON 04/26/2021

05/17/2021 HEARING - MOTION FOR DISCOVERY HELD ON 05/17/2021 at 10:08 a.m.

ROBERT E MURRAY JR, JUSTICE

Attorney: STEVEN JUSKEWITCH

DA: TOFF TOFFOLON

SC

05/17/2021 Charge(s): 1,2,3

MOTION - MOTION FOR DISCOVERY GRANTED ON 05/17/2021

COPY TO PARTIES/COUNSEL

05/18/2021 Charge(s): 1,2,3

MOTION - MOTION FOR PROTECTIVE ORDER FILED BY STATE ON 05/18/2021

05/19/2021 Charge(s): 1,2,3

MOTION - MOTION FOR PROTECTIVE ORDER GRANTED ON 05/19/2021

MICHAEL ROBERTS , JUDGE

COPY TO PARTIES/COUNSEL

07/30/2021 TRIAL - DOCKET CALL CONTINUED ON 07/30/2021

COVID 19

07/30/2021 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 10/04/2021 at 01:00 p.m.

ELLSC ZOOM

07/30/2021 TRIAL - DOCKET CALL NOTICE SENT ON 07/30/2021

ELEC

09/14/2021 TRIAL - DOCKET CALL CONTINUED ON 09/14/2021

09/14/2021 TRIAL - DOCKET CALL SCHEDULED FOR 12/25/2021

01/25/2022 TRIAL - DOCKET CALL CONTINUED ON 01/25/2022

01/25/2022 TRIAL - DOCKET CALL SCHEDULED FOR 04/18/2022

04/15/2022 TRIAL - DOCKET CALL CONTINUED ON 04/15/2022

04/15/2022 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 05/09/2022 at 01:30 p.m.

ELLSC

04/15/2022 TRIAL - DOCKET CALL NOTICE SENT ON 04/15/2022

05/11/2022 TRIAL - DOCKET CALL HELD ON 05/09/2022 at 01:49 p.m.

ROBERT E MURRAY JR, JUSTICE

Attorney: STEVEN JUSKEWITCH

DA: TOFF TOFFOLON

SC

2 DAY TRIAL

05/11/2022 OTHER FILING - WITNESS LIST FILED BY STATE ON 05/11/2022

05/19/2022 OTHER FILING - WITNESS LIST FILED BY DEFENDANT ON 05/19/2022

Attorney: STEVEN JUSKEWITCH
06/23/2022 Charge(s): 1,2,3
TRIAL - JURY TRIAL SCHEDULE OTHER COURT ON 07/07/2022

ELLSC JURY SELECTION
06/23/2022 Charge(s): 1,2,3
TRIAL - JURY TRIAL CONTINUED ON 06/23/2022

02/02/2023 Charge(s): 1,2,3
MOTION - MOTION TO AMEND INDICTMENT FILED BY STATE ON 02/01/2023

02/02/2023 Charge(s): 1,2,3
MOTION - MOTION TO AMEND INDICTMENT GRANTED ON 02/02/2023
TERENCE HARRIGAN , JUDGE
COPY TO PARTIES/COUNSEL

04/12/2023 MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 04/12/2023

04/12/2023 Charge(s): 1,2,3
TRIAL - JURY TRIAL HELD ON 04/11/2023
PATRICK LARSON , JUDGE
Attorney: STEVEN JUSKEWITCH
DA: TOFF TOFFOLON Reporter: MAUREEN WHITEHOUSE
SC1:36

04/12/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING SCHEDULE OTHER COURT ON 04/27/2023 at 08:30 a.m.

ELLSC
04/25/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING CONTINUED ON 04/25/2023
PATRICK LARSON , JUDGE
CONTINUED FOR MENTAL EXAMINATION TO BE COMPLETED.

04/25/2023 MOTION - MOTION FOR MENTAL EXAMINATION FILED BY DEFENDANT ON 04/25/2023

04/25/2023 MOTION - MOTION FOR MENTAL EXAMINATION GRANTED ON 04/25/2023
PATRICK LARSON , JUDGE
COPY SENT TO STATE FORENSIC SERVICE

04/25/2023 Charge(s): 1,2,3
MOTION - MOTION FOR JDGMT OF ACQUITTAL FILED BY DEFENDANT ON 04/25/2023

04/25/2023 MOTION - MOTION TO PREPARE TRANSCRIPT GRANTED ON 04/25/2023
TERENCE HARRIGAN , JUDGE
COPY TO PARTIES/COUNSEL

04/27/2023 Charge(s): 1,2,3
HEARING - MOTION FOR JDGMT OF ACQUITTAL SCHEDULE OTHER COURT ON 05/19/2023 at 02:00 p.m.

ELLSC
04/27/2023 Charge(s): 1,2,3
HEARING - MOTION FOR JDGMT OF ACQUITTAL NOTICE SENT ELECTRONICALLY ON 04/27/2023

05/19/2023 Charge(s): 1,2,3
HEARING - MOTION FOR JDGMT OF ACQUITTAL HELD ON 05/19/2023 at 02:02 p.m.
PATRICK LARSON , JUSTICE

Attorney: STEVEN JUSKEWITCH

DA: TOFF TOFFOLON

Defendant Present in Court

SC

05/19/2023 Charge(s): 1,2,3
MOTION - MOTION FOR JDGMT OF ACQUITTAL DENIED ON 05/19/2023
PATRICK LARSON , JUSTICE
COPY TO PARTIES/COUNSEL

05/23/2023 ORDER - COURT ORDER FILED ON 05/23/2023
PATRICK LARSON , JUSTICE
ORDER ON DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL

07/11/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING SCHEDULE OTHER COURT ON 09/07/2023 at 08:30 a.m.

ELLSC

07/11/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING NOTICE SENT ELECTRONICALLY ON 07/11/2023

07/21/2023 PSYCHIATRIC EXAM - ORDER MENTAL EXAM-OTHER ISSUES REPORT FILED ON 07/21/2023

09/05/2023 OTHER FILING - SENTENCING MEMORANDUM FILED BY STATE ON 09/05/2023

09/06/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING CONTINUED ON 09/06/2023

09/08/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING SCHEDULE OTHER COURT ON 10/20/2023 at 01:30 p.m.

ELLSC

09/08/2023 Charge(s): 1,2,3
HEARING - SENTENCE HEARING NOTICE SENT ELECTRONICALLY ON 09/08/2023

10/18/2023 Charge(s): 1,2,3
MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 10/18/2023

10/18/2023 Charge(s): 1,2,3
OTHER FILING - OTHER DOCUMENT FILED ON 10/18/2023

STATE'S MEMO CONCERNING THE DEFENDANT'S MOTION TO CONTINUE SENTENCING

10/24/2023 Charge(s): 1,2,3
MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 10/18/2023

10/24/2023 Charge(s): 1,2,3
MOTION - MOTION TO CONTINUE GRANTED ON 10/20/2023
PATRICK LARSON , JUSTICE
COPY TO PARTIES/COUNSEL

10/24/2023 HEARING - SENTENCE HEARING SCHEDULE OTHER COURT ON 11/17/2023 at 01:30 p.m.

ELLSC

10/24/2023 HEARING - SENTENCE HEARING NOTICE SENT ELECTRONICALLY ON 10/24/2023

11/09/2023 Charge(s): 1,2,3

HEARING - SENTENCE HEARING CONTINUED ON 10/20/2023

PATRICK LARSON, JUSTICE

11/09/2023 OTHER FILING - OTHER DOCUMENT FILED ON 11/09/2023

SENTENCING MEMORANDUM

11/17/2023 BAIL BOND - SURETY BAIL BOND CONT AS POST CONVIC ON 04/11/2023

PATRICK LARSON, JUSTICE

Date Bailed: 05/12/2020

Lien Issued: 05/12/2020

11/17/2023 Charge(s): 1,2,3

VERDICT - GUILTY RETURNED ON 04/11/2023

11/17/2023 Charge(s): 1,2,3

FINDING - GUILTY ENTERED BY COURT ON 04/11/2023

PATRICK LARSON, JUSTICE

11/17/2023 Charge(s): 1,2,3

FINDING - GUILTY CONT FOR SENTENCING ON 04/11/2023

PATRICK LARSON, JUSTICE

11/17/2023 Charge(s): 1

RULING - ORIGINAL ORDERED ON 11/17/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 1 ELEVATED AGGRAVATED ASSAULT 17-A 208-B(1)(A) Class A as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 12 year(s).

It is ordered that all but 5 year(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 3 year(s) upon conditions attached hereto and incorporated by reference herein.

Said Probation to commence after completion of the unsuspended term of imprisonment.

\$ 35 VICTIMS COMPENSATION FUND

TOTAL DUE: \$ 35.00.

Special Conditions of Probation:

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.

8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

submit to random search and testing for alcohol at the direction of a law enforcement officer.

RESIDE AS DIRECTED BY PROBATION AND PAROLE

Have no contact of any kind with FORREST DALE and the family of said person.

AND NOT TO ENTER RESIDENCE, PLACE OF EMPLOYMENT OR PLACE OF EDUCATION

11/17/2023 Charge(s): 2

RULING - ORIGINAL ORDERED ON 11/17/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 2 AGGRAVATED ASSAULT 17-A 208(1)(B) Class B as charged and convicted. The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 12 year(s).

This sentence to be served concurrently with: HANCD-202000450 Charge: 1

It is ordered that all but 5 year(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 3 year(s) upon conditions attached hereto and incorporated by reference herein.

Said Probation to commence after completion of the unsuspended term of imprisonment.

This sentence to be served concurrently with: HANCD-202000450 Charge: 1

\$ 35 VICTIMS COMPENSATION FUND

TOTAL DUE: \$ 35.00.

Special Conditions of Probation:

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.

8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

RESIDE WHERE DIRECTED BY PROBATION AND PAROLE

Have no contact of any kind with FORREST DALE and the family of said person.

AND NOT TO ENTER RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTE

11/17/2023 Charge(s): 3

RULING - ORIGINAL ORDERED ON 11/17/2023

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 3 ASSAULT 17-A 207(1)(A) Class D as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 12 year(s).

This sentence to be served concurrently with: HANCD-202000450 Charge: 1

It is ordered that all but 5 year(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 3 year(s) upon conditions attached hereto and incorporated by reference herein.

Said Probation to commence after completion of the unsuspended term of imprisonment.

\$ 20 VICTIMS COMPENSATION FUND

TOTAL DUE: \$ 20.00.

Special Conditions of Probation:

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.

8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.

9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

RESIDE WHERE DIRECTED BY PROBATION AND PAROLE

Have no contact of any kind with FORREST DALE and the family of said person.
NOT TO ENTER RESIDENCE, EMPLOYMENT OR EDUCATION INSTITUTE

11/17/2023 BAIL BOND - SURETY BAIL BOND BAIL RELEASED ON 11/17/2023

Date Bailed: 05/12/2020

Lien Issued: 05/12/2020

11/17/2023 BAIL BOND - SURETY BAIL BOND RELEASE ACKNOWLEDGED ON 11/17/2023

Date Bailed: 05/12/2020

Lien Issued: 05/12/2020

11/17/2023 BAIL BOND - SURETY BAIL BOND BAIL LIEN DISCHARGED ON 11/17/2023

Date Bailed: 05/12/2020

Lien Issued: 05/12/2020

11/21/2023 Charge(s): 1,2,3
MOTION - MOTION TO CONTINUE GRANTED ON 10/20/2023

PATRICK LARSON , JUSTICE

COPY TO PARTIES/COUNSEL

11/21/2023 HEARING - SENTENCE HEARING HELD ON 11/17/2023

PATRICK LARSON , JUSTICE

Attorney: STEVEN JUSKEWITCH

DA: TOFF TOFFOLON

SC1:36

11/21/2023 Charge(s): 1
RULING - ORIGINAL ISSUED ON 11/17/2023
PATRICK LARSON , JUSTICE
DEFENDANT ACKNOWLEDGES RECEIPT

11/21/2023 Charge(s): 2
RULING - ORIGINAL ISSUED ON 11/17/2023
PATRICK LARSON , JUSTICE
DEFENDANT ACKNOWLEDGES RECEIPT

11/21/2023 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 11/21/2023

INSTALLMENT PYMT'S: 0;DAILY: F;WEEKLY: F;BI-WEEKLY: F;MONTHLY: F;BI-MONTHLY: F;PYMT BEGIN: AT 0;PYMT IN FULL: 20251117 AT 0;THRU PPO: F;PYMT DUE AMT: 90;PMT DUE: 20251117 AT 0;OTHER:

11/21/2023 Charge(s): 1,2,3
MOTION - OTHER MOTION FILED BY DEFENDANT ON 11/17/2023

MOTION TO SUBSTITUTE APPELLATE COUNSEL FOR TRIAL COUNSEL

11/21/2023 Charge(s): 1,2,3
APPEAL - NOTICE OF APPEAL FILED ON 11/17/2023

11/21/2023 Charge(s): 1,2,3
APPEAL - APPLICATION ALLOW SENT APPEAL FILED ON 11/17/2023

11/21/2023 Charge(s): 1,2,3
OTHER FILING - OTHER DOCUMENT FILED ON 11/17/2023

TRANSCRIPT AND AUDIO ORDER FORM

11/21/2023 Charge(s): 1,2,3
MOTION - OTHER MOTION GRANTED ON 11/21/2023

PATRICK LARSON , JUSTICE
MOTION TO SUBSTITUTE APPELLATE COUNSEL FOR TRIAL COUNSEL

11/21/2023 Party(s): CRAIG WOODARD
ATTORNEY - APPOINTED ORDERED ON 11/21/2023

Attorney: RORY MCNAMARA

11/21/2023 Party(s): CRAIG WOODARD
ATTORNEY - REMOVAL ORDERED ON 11/21/2023

Attorney: STEVEN JUSKEWITCH

11/27/2023 Charge(s): 1,2,3
MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 11/27/2023

SCANNED TO JUDGE LARSON 11/28/23

11/28/2023 HEARING - CONFERENCE SCHEDULE OTHER COURT ON 12/01/2023 at 02:00 p.m.

ELLSC

11/28/2023 HEARING - CONFERENCE NOTICE SENT ON 11/28/2023

FINE PAYMENT SCHEDULE

Execution/payment stayed to pay in full by 11/17/2025 or warrant to issue.

A TRUE COPY

ATTEST: _____
Clerk

Amended

State Of Maine

UNIFIED CRIMINAL DOCKET

JUDGMENT AND COMMITMENT

Docket No.
HANCD-CR-2020-00450

County/Location
HANCOCK

Male Female

Date :
12-12-23

DOB
[REDACTED] /1990

State of Maine v. CRAIG WOODARD

Residence:
[REDACTED]
BUCKSPORT ME

Offense(s) charged:
ELEVATED AGGRAVATED ASSAULT
Class: A DOV: 05/07/2020 Seq #: 10077 Title: 17-A / 208-B / 1 / A
AGGRAVATED ASSAULT
Class: B DOV: 05/07/2020 Seq #: 630 Title: 17-A / 208 / 1 / B
ASSAULT
Class: D DOV: 05/07/2020 Seq #: 8382 Title: 17-A / 207 / 1 / A

Charged by:
 indictment
 information
 complaint

Plea(s): Guilty Nolo Not Guilty

Date of Violation(s):

Offense(s) convicted:
 ELEVATED AGGRAVATED ASSAULT
Class: A DOV: 05/07/2020 Seq #: 10077 Title: 17-A / 208-B / 1 / A
 AGGRAVATED ASSAULT
Class: B DOV: 05/07/2020 Seq #: 630 Title: 17-A / 208 / 1 / B
 ASSAULT
Class: D DOV: 05/07/2020 Seq #: 8382 Title: 17-A / 207 / 1 / A

Convicted on:
 plea
 jury verdict
 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 ct. 1 12 yrs ct. 2 & ct. 3 merged with ct. 1
- A County jail to be punished by imprisonment for a term of _____
- This sentence to be served (consecutively to)(concurrently with) _____
- Execution stayed to on or before: _____ 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) 5 yrs 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 3 yrs (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 \$ VF 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 \$ 90.-. 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 _____.

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 _____.)

A TRUE COPY, ATTEST: _____
Clerk



Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on the Social Security Disclosure Form is mandatory under 36 M.R.S. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money, which I owe to the State of Maine, will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

SS Number Disclosure Required on separate form.

Date: _____

Defendant _____
Address _____

Docket No. HANCD-CR-2020-00450

County/Location HANCOCK

Male Female

Date: 11/17/23

DOB [REDACTED] 1990

State of Maine v. CRAIG WOODARD

Residence: [REDACTED] BUCKSPORT ME

Offense(s) charged:
ELEVATED AGGRAVATED ASSAULT
Class: A DOV: 05/07/2020 Seq #: 10077 Title: 17-A / 208-B / 1 / A
AGGRAVATED ASSAULT
Class: B DOV: 05/07/2020 Seq #: 630 Title: 17-A / 208 / 1 / B
ASSAULT
Class: D DOV: 05/07/2020 Seq #: 8382 Title: 17-A / 207 / 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:
[ELEVATED AGGRAVATED ASSAULT]
Class: A DOV: 05/07/2020 Seq #: 10077 Title: 17-A / 208-B / 1 / A
[AGGRAVATED ASSAULT]
Class: B DOV: 05/07/2020 Seq #: 630 Title: 17-A / 208 / 1 / B
[ASSAULT]
Class: D DOV: 05/07/2020 Seq #: 8382 Title: 17-A / 207 / 1 / A

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

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

- [X] 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:
[X] 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 1-12 years, ct 2-12 years conc. to ct 1, ct 3 12 years conc. to ct 1
[] A County jail to be punished by imprisonment for a term of
[] This sentence to be served (consecutively to)(concurrently with)
[] Execution stayed to on or before: 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.

- [X] It is ordered that all (but) 5 years of the sentence (as it relates to confinement)(as it relates to the) be suspended and the defendant be placed on a period of
[X] probation [] supervised release [] administrative release
for a term of 3 years (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 for _____ and pay the sum of \$ VF _____ 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 \$ 90.00. 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 _____.)

A TRUE COPY, ATTEST: _____

Clerk

 _____

Judge/ Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on the Social Security Disclosure Form is mandatory under 36 M.R.S. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money, which I owe to the State of Maine, will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

SS Number Disclosure Required on separate form.

Date: 11/21/23

Defendant  _____

Address _____

Location: _____
Docket No: CB-20-450

STATE OF MAINE

v.

Craig Woodard
Defendant

**ORDER ON PAYMENT
OF FINES**

14 M.R.S. § 3141(4), 3142
17-A M.R.S. § 1303(1), 1304(3)

You are ORDERED to pay your fine(s) and related surcharges as follows:

Total Amount Due: \$ 90.00 . Amount Due Today: _____

You must make your additional payments as follows:

Your first payment of \$ _____ is due on _____ at _____ (a.m.)(p.m.). You must then make additional payments in the same amount thereafter, until paid in full, as follows:

A. Weekly. Every Mon Tues Wed Thurs Fri

B. Bi-Weekly. Every other Mon Tues Wed Thurs Fri

C. Monthly. On the _____ day of each month. If the date falls on a day when court is not open, payment is due on the next business day.

OR Payment of fine in full due on 11/17/2023 at _____ (a.m.) (p.m.)

WARNING

If at any time you are unable to make a timely payment on the date it is due, you must come to Court on or before the date that payment is due to explain why you cannot make the payment and request an extension of time to make the payment. The Court may grant you an extension or you may be required to return on another day for another hearing. If you fail to make your payment(s) as ordered by the Court and you fail to obtain an extension from the Court, **an arrest warrant may be issued for your arrest, you may be defaulted, you may be held in contempt, and the court may suspend any license, certification, registration, permit, approval, or similar document issued to you by the State of Maine without further notice.** These include, but are not limited to, your driver's license, your vehicle registration, your license to hunt, fish, or trap, and your license to engage in a profession, occupation, business, or identifying licenses issued by the Commissioner of Marine Resources and Commissioner of Inland Fisheries and Wildlife. Once suspended, these licenses each carry separate individual reinstatement fees that will have to be paid in addition to the fine owed to the court before the license or other certification will be reinstated. Also, a separate additional late fee will be applied to each overdue fine and you may be subject to an additional fine. Keep this document in a safe place until your fine is paid in full. **You must keep the Court informed of any change in your address.**

Date: 11/17/2023

[Signature]
Judge/Justice

SS Number Disclosure Required on separate form

I acknowledge that disclosure of my Social Security Number is **mandatory** pursuant to 36 M.R.S. §5276-A, and that my social security number can be used by the Court to collect any fine that remains unpaid by taking my State of Maine or Federal income tax refund and applying it towards any outstanding fines.

I have read the above order, understand it, and acknowledge receipt of a copy.

Date: 11/21/23

Defendant's Signature [Signature]
Physical Address _____
Mailing Address _____

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 will be determined based on 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 will 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 (MasterCard, Visa, or Discover).
3. By credit card (MasterCard, 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>

COURT: UNIFIED CRIMINAL DOCKET, HANCOCK

Docket No. HANCD-CR-2020-00450

DEFENDANT- CRAIG WOODARD

D.O.B. 07/11/1990

SS Number Disclosure Required on Separate Form.

You have been convicted of Elevated Aggravated Assault which (is a)(are) Class A crime(s). You are placed on probation and committed to supervision by the Department of Corrections for the term of months 3 years subject to the conditions listed below.

THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

- 1. refrain from all criminal conduct and violation of federal, state and local criminal laws.
- 2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
- 3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
- 4. obtain permission from your probation officer before changing your address or employment.
- 5. not leave the State of Maine without written permission of your probation officer.
- 6. maintain employment and devote yourself to an approved employment or education program.
- 7. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
- 8. waive extradition back to the State of Maine from any other place.
- 9. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
- 10. pay to the Department of Corrections a supervision fee of \$ 10 per month.
- 11. provide a DNA sample if convicted of applicable offense listed in 25 M.R.S. § 1574.
- 12. pay to the Department of Corrections an electronic monitoring fee substance testing fee of \$ _____ per month year.
- 13. not use possess OR excessively use or possess alcohol; and use possess OR excessively use or possess marijuana or marijuana products; and use or possess any illegal drugs or their derivatives; and use or possess any dangerous weapons or firearms.
- 14. submit to random search and testing for alcohol illegal drugs or their derivatives marijuana or marijuana products firearms dangerous weapons obscene/sexually explicit material _____ at the direction of a probation or law enforcement officer.
- 15. complete evaluation and counseling and treatment as an out-patient in-patient at or a similar facility as directed by your probation officer for substance abuse sexual offender psychological certified batterer's intervention anger management medical (_____) issues and sign any releases requested by your probation officer.
- 16. pay restitution in the [maximum] amount of \$ _____ through the Department of Corrections Office of District Attorney by _____ for the benefit of _____ joint and several with _____
Installment payment of \$ _____ to be made weekly biweekly monthly.
- 17. pay all fines, fees, surcharges and assessments in full and counsel fees as ordered to the clerk of this court not later than _____ (date), on a schedule set by the court or your probation officer.
- 18. not operate or attempt to operate any motor vehicle (including ATV, snowmobile, motorboat, powerboat or aircraft) until properly licensed by the Secretary of State.
- 19. not associate with any other person who is on probation or parole without written permission of your probation officer.
- 20. have no contact with male female children under the age of _____ direct or indirect.
- 21. have no direct or indirect contact with (name and dob) Forrest Dale except as is necessary; for counseling; to pay child support; for child contact; by telephone; with written permission of your probation officer or the court; _____ and not enter any residence place of employment place of education of any such person(s).
- 22. not be present in an establishment that serves liquor for on-premises consumption after _____ AM/PM.
- 23. support your dependents and meet family responsibilities.
- 24. not view or possess any obscene/sexually explicit material.
- 25. not have any possessory interest in any bank account except as authorized in writing by your probation officer.
- 26. appear for periodic judicial review as directed by the court or your probation officer.
- 27. participate in an electronic monitoring program.
- 28. perform _____ hours of public service work within _____ months as directed by your probation officer.
- 29. Other: Reside as directed by probation and parole

If you violate or fail to fulfill any of the above conditions you may be arrested, your probation may be revoked and you may be required to serve the rest of your sentence in jail or prison.

ORDERED: All conditions of probation are incorporated into the judgment and docket by reference.

Date: 11/17/2023

Justice/Judge [Signature]

I acknowledge receipt of these conditions and accept them as written.

Witness: [Signature]

Probationer [Signature]

1 started, that this disagreement got to all this. I'm sorry I
2 went this far.

3 Every day I have out in the real world, I shall continue
4 to grow. I'll continue to work. I'll continue to put into
5 society and help those who need it. Three and a half years I
6 spent on bail, there's been a lot of time for reflecting.

7 And I think responsibility is a better word than fault at
8 this point, but I take responsibility for what I have to. And
9 if this is my karma, then so be it.

10 And that's all, sir.

11 MR. JUSKEWITCH: So what concerns me is, again, all of
12 the uncharged misconduct. There's enough material here to
13 base a fair and appropriate sentence.

14 THE COURT: Thank you, Mr. Juskewitch.

15 Mr. Toffolon, anything further?

16 MR. TOFFOLON: No, sir.

17 THE COURT: All right. Well, the Court's had an
18 opportunity to review the transcript from the trial. Court's
19 had an opportunity to review the laws. Court's also had an
20 opportunity to review the submissions of both the State and
21 the defense and has taken all that into consideration. And as
22 both sides have stated with regard to the sentencing analysis,
23 the Court is cognizant of the fact that it must perform what's
24 called the Hewey analysis in order to determine what is an
25 appropriate sentence here, which is a three-step process,

1 starting with a base sentence based on the conduct, moving on
2 towards the base sentence determining a final sentence, when
3 taking into consideration the aggravating and mitigating
4 factors. And then finally to determine what, if any, portion
5 of that sentence should be suspended, and the defendant placed
6 on probation.

7 So in step one of this process, Court notes that the
8 defendant is charged with elevated aggravated assault, causing
9 serious bodily injury or I'm sorry, not charged -- he's been
10 convicted of, following a jury trial, of the charge of
11 elevated aggravated assault, causing serious bodily injury
12 with the use of a dangerous weapon.

13 The evidence from the trial shows that the defendant
14 intended to kill Mr. Dale. It was a statement made by the
15 defendant when the he and Mr. Dale were confronting each
16 other, that the defendant invited Mr. Dale to his house and
17 warned him that if he showed up before 4:00, when his daughter
18 was still there, that he would kill him and that his life
19 meant nothing to him.

20 The statements to the officers that -- during the
21 interview -- that at one point he intended to -- he was
22 shooting for center mass, and that would be consistent with a
23 kill shot.

24 Also, there was a firearm involved here. Not only was it
25 a dangerous weapon, but it was, in fact, a firearm. There

1 were six shots fired. The statement by the defendant was that
2 the first three shots were fired as warning shots. After the
3 first three shots, he started to aim and using his sights. He
4 was aiming for center mass. Center mass would be consistent
5 with vital organs, greater potential for causing serious
6 bodily injury or even death.

7 The victim in this case, Mr. Dale, was unarmed. He'd
8 been coaxed to his house by the defendant and that the
9 defendant was armed prior to Mr. Dale arriving at the house,
10 because the gun was readily available to the defendant when
11 Mr. Dale arrived. This was intentional conduct, much more
12 significant than any knowing conduct. It was premeditated
13 with a threat of violence.

14 Defendant could have easily been charged with attempted
15 murder here. There was clearly an intent beforehand, when he
16 told Mr. Dale that he would kill him if he showed up before
17 4:00, and actually, he came within a hair's breadth of
18 actually committing murder.

19 I also analyze how these cases get from where they start
20 to where they end up, and I oftentimes examine the different
21 charges that could have been filed as the case progresses.
22 The initial charge, when the threats were going back and forth
23 on Facebook and text messages, which would be terrorizing, a
24 Class D offense. That would be where Mr. Woodard told Mr.
25 Dale that he would kill him if he came to his house before

1 4:00. Probably the likely consequence of that would be a
2 fine.

3 Then we move on to when Mr. Dale arrived in front of the
4 defendant's house, and the defendant fired three shots to warn
5 him. That could be charged as a criminal, threatening with a
6 dangerous weapon, which would be a Class C felony, carrying up
7 to five years in prison. His likely sentence for that would
8 be in the range of probably three years, all but one, because
9 of the minimum mandatory, with two years probation. Or if
10 something could have been negotiated, the firearm could have
11 been deleted and something along the lines of three years, all
12 but six months to nine months with two years probation.

13 But yet we ended up with the elevated aggravated assault
14 because, after the third shot, Mr. Woodard decided that he
15 would now take aim to hit Mr. Dale with his weapon and
16 certainly attempt to kill Mr. Dale, because he was coming in
17 front of his house.

18 Serious bodily injury here was that he sustained extended
19 convalescence and substantial permanent impairment. Mr. Dale
20 testified at trial that he had been a marathon runner and now,
21 three years later, he is on full disability.

22 The results of this incident required immediate response
23 from law enforcement. When Mr. Dale and his friends left,
24 they were headed towards Bangor for the hospital. They came
25 upon a deputy sheriff with the Penobscot County Sheriff's

1 Office. Mr. Dale had lost a lot of blood. The quick actions
2 of the deputy resulted in him placing a tourniquet on Mr.
3 Dale's leg. And it's very possible that Mr. Dale could have
4 died at that point. Once at the hospital, it required
5 emergency intervention from emergency staff.

6 And the Court also notes that at least there's no
7 evidence of any prior relationship between the parties before
8 this incident occurred, what was motivated by mutual conduct.
9 The testimony of Mr. Dale was believed by the jury that he did
10 not go on the defendant's property. He was maintained on the
11 public right of way and clearly had not been on the
12 defendant's property. And there's also evidence that the
13 defendant had consumed alcohol prior to the incident.

14 So in looking at this conduct and coming up with a base
15 sentence, the Court also checked comparables of prior cases to
16 see what other courts have been imposing for sentences in
17 similar type of conduct. Finding comparables was difficult,
18 because almost all the elevated aggravated assaults were
19 charged with attempted murder, so the sentencings involved
20 attempted murder as well as elevated aggravated assault.

21 But in State v. Reese in 2010, defendant was charged with
22 attempted murder and elevated aggravated assault, both Class A
23 crimes. The defendant was a felon. He had a .9 mm, pistol
24 shot at his girlfriend nine times, hitting her twice, left her
25 laying by the side of the road. She received life threatening

1 injuries and extended convalescence. The base sentence for
2 that Court was 27 years.

3 Another case that the Court was able to find was State v.
4 White out of Aroostook County in 2019. In this case, it was
5 an attempted murder Class A, robbery Class A and elevated
6 aggravated assault Class A. In that case, the defendant went
7 to a rival drug dealer's house at 3:30 in the morning, wearing
8 a mask, with the intent to kill. A gun battle ensued. The
9 victim was shot four times, once in the arm, twice in the
10 abdomen and once in his Kevlar vest. If it wasn't for swift
11 action by law enforcement in this case, the victim surely
12 would have died. The base sentence in this was between 20 and
13 25 years.

14 So in taking the comparables in mind, as well as the
15 conduct here that's specific to this case, the Court agrees
16 with the defendant that the base sentence would be 15 years,
17 which would put it in the lower to middle of the end of the
18 middle quadrant.

19 Step two would be determining the final sentence by
20 examining the aggravating versus mitigating factors. First
21 aggravating factor the Court finds most significant would be
22 the actual victim impact. Mr. Dale will have long lasting
23 significant consequences as a result of this. He is now
24 permanently disabled, when it appeared that at the time he was
25 a healthy, vibrant young man.

1 Also, the defendant's age at the time of the incident is
2 significant to the Court. He was 30 years old at the time of
3 the incident. This was not a youthful indiscretion.

4 He does have a criminal history from 2011. He had a
5 domestic violence assault and tampering with a witness from
6 Kentucky. And then he has a harassment by telephone here in
7 Maine in 2019.

8 And I know that Mr. Toffolon commented upon Mr.
9 Juskewitch's statement in his sentencing memorandum about --
10 and refer to that as the defendant's lack of acceptance of
11 responsibility. But the Court finds that there was an actual
12 statement by the defendant in the sentencing memorandum. The
13 Court does find that there was a lack of responsibility and
14 remorse in that statement. The Court's not finding that the
15 fact that he had a trial is a lack of responsibility or
16 acceptance of responsibility. Defendant had every right to
17 have a trial. He exercised that right.

18 But it's the statement that he makes in this sentencing
19 memorandum that has the most concern for the Court. He refers
20 to it as a misunderstanding, and even today he continues to
21 refer to it as a misunderstanding. He blames the Bucksport
22 Police Department for not taking it serious, indicates that
23 what he should have done is got a protection from harassment
24 order. He also blames the defendant in his statement.

25 He also advises the Court in his statement today that the

1 Court is -- it doesn't matter whether or not I believe the
2 defense or I believe his statement, that I'm going to do what
3 it is I'm going to do as far as the sentence is concerned.
4 I'm not making any sort of belief. I'm listening to what the
5 jury tells me to do. The jury has found Mr. Woodard guilty
6 beyond a reasonable doubt of the offense of elevated
7 aggravated assault.

8 Mr. Woodard also makes another statement that the Court
9 finds troubling is that it takes two to tango. That might be
10 true in the event of there was a fisticuffs, but there weren't
11 fisticuffs here. There was, as far as the Court is concerned,
12 an intent to kill Mr. Woodard. But that's not what the
13 Court's sentencing him on. The Court sentencing him on a
14 Class A elevated aggravated assault.

15 As far as mitigating factors are concerned, the Court can
16 (sic) find, even with the statement of Deputy Chief
17 Winchester, any violations of his bail. He's been compliant
18 while on bail. According to the report from Dr. Thorpe, he's
19 not likely to re-offend. He's intelligent. He has a long
20 work history, and he has friends and coworkers that speak
21 highly of him. Also appears that he has a support system in
22 place with his father and his mother. So the Court finds that
23 the mitigating factors outweigh the aggravating factors and
24 put the base sentence at 12 years.

25 Now, to determine whether or not probation is

1 appropriate, the defendant has complied with bail for three
2 years. There is evidence that he's not likely to re-offend,
3 and he supports his daughter, to which he has a strong bond.

4 The Court does find that the defendant would benefit from
5 a period of probation where he could receive treatment for
6 mental health, to receive treatment for substance use
7 disorder. The Court also notes that although in his
8 sentencing memorandum, Mr. Juskewitch stated that the minimum
9 mandatory four year sentence does not apply, the Court does
10 find that the four year sentence does apply. There was a
11 firearm used against the person. Clearly, the indictment
12 states that. There was a firearm, a handgun used against a
13 person, Forrest Dale.

14 So the Court finds that as a final sentence, sentence in
15 this matter is twelve years to the Department of Corrections,
16 all suspended but 5, with three years probation. Special
17 conditions of that probation would be no use or possession of
18 alcohol or illegal drugs, including marijuana, unless he has a
19 medical marijuana card, could send to random search and test
20 for the use and possession of alcohol or illegal drugs,
21 including marijuana. And once again, unless he has a medical
22 marijuana card, substance use disorder, evaluation, and
23 treatment to the satisfaction of probation and parole,
24 psychological evaluation and counseling to the satisfaction of
25 probation and parole, no contact, direct or indirect, with

1 Forrest Dale, including his residence, school, business or
2 place of employment, reside as directed by probation and
3 parole. And is there any restitution that's being asked for?

4 MR. JUSKEWITCH: No.

5 THE COURT: Okay. Then a \$10 a month victim supervision
6 fee. So that is the sentence of the Court. Now, I suspect
7 there's going to be an argument for post-conviction bail.

8 Mr. Juskewitch.

9 MR. JUSKEWITCH: Yes. This time, sir, it's 12-5-3
10 (phonetic).

11 THE COURT: 12-5-3.

12 MR. JUSKEWITCH: Thank you, Judge. I've given you copies
13 of the notice of appeal transcripts, motion to substitute Rory
14 McNamara as the appellate attorney (indiscernible). Oh.
15 Application for sentencing --

16 THE COURT: Okay. Do you have an argument for a post-
17 conviction bail?

18 MR. JUSKEWITCH: Oh, he certainly hasn't gotten into any
19 significant trouble. Apparently there was a mental health,
20 but he's working. He's on board ship a shipping house. It's
21 ground fishing and lobstering. So he's earned, I think, post-
22 conviction bail.

23 THE COURT: Mr. Toffolon.

24 MR. TOFFOLON: The State disagrees. That's why we asked
25 Deputy Chief Winchester to come and describe, and the Court

ARREST WARRANT AUTHORIZED BY DAWN M. CORBETT, ADA, ON MAY 8, 2020

STATE OF MAINE
HANCOCK, ss

UNIFIED CRIMINAL DOCKET
LOCATION: ELLSWORTH
DOCKET NO: *CR 20-450*

STATE OF MAINE

COMPLAINT

v.

CRAIG ALEXANDER WOODARD

COUNT 1: ELEVATED AGGRAVATED ASSAULT

DOB: [REDACTED]/1990

SIN: [REDACTED]

G: Male Ht: 5'9" Wt: 175 H: Brown
E: Brown R: White

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

COUNT 1:

**17-A M.R.S.A. §208-B(1)(A)
Seq No: 10077
ELEVATED AGGRAVATED ASSAULT
CLASS A
ATNCTN 365060B001**

On or about May 07, 2020, in Bucksport, Hancock County, Maine, **CRAIG ALEXANDER WOODARD**, did intentionally or knowingly cause serious bodily injury to Forrest Dale with the use of a dangerous weapon, a 9 mm handgun.

DATED: 5/8/ 2020


COMPLAINANT

Sworn to before me, 5/8/ 2020


Clerk/Justice of Peace/Judge/Justice

OFFICER: David Winchester
DEPT: Bucksport PD
PROS: Dawn M Corbett
JW#: 20-928
Jail Requested

STATE OF MAINE
HANCOCK, ss

UNIFIED CRIMINAL DOCKET
LOCATION: ELLSWORTH
DOCKET NO: CR-20-450

STATE OF MAINE

INDICTMENT

v.

CRAIG ALEXANDER WOODARD
DOB: [REDACTED]/1990
SIN: ME0305452

COUNT 1: ELEVATED AGGRAVATED ASSAULT
COUNT 2: AGGRAVATED ASSAULT
COUNT 3: ASSAULT

[REDACTED]
G: Male Ht: 5'9" Wt: 175 H: Brown
E: Brown R: White

THE GRAND JURY CHARGES:

COUNT 1:

17-A M.R.S. §208-B(1)(A)
Seq No: 10077
ELEVATED AGGRAVATED ASSAULT
CLASS A
ATNCTN 365060B001

On or about May 07, 2020, in Bucksport, Hancock County, Maine, **CRAIG ALEXANDER WOODARD**, did intentionally or knowingly cause serious bodily injury to Forrest Dale with the use of a dangerous weapon, a handgun.

COUNT 2:

17-A M.R.S. §208(1)(B)
Seq No: 630x1
AGGRAVATED ASSAULT
CLASS B
ATNCTN 365060B002

On or about May 07, 2020, in Bucksport, Hancock County, Maine, **CRAIG ALEXANDER WOODARD**, did intentionally, knowingly, or recklessly cause bodily injury to Forrest Dale with the use of a dangerous weapon, a handgun.

COUNT 3:

17-A M.R.S. §207(1)(A)
Seq No: 8382
ASSAULT
CLASS D
ATNCTN 365060B003

On or about May 07, 2020, in Bucksport, Hancock County, Maine, **CRAIG ALEXANDER WOODARD**, did intentionally, knowingly or recklessly cause bodily injury or offensive physical contact to Forrest Dale.

10/9/20


A34

DATED: 10/9/20

A TRUE BILL

[Signature]
FOREPERSON

OFFICER: David Winchester
DEPT: Bucksport PD
PROS: Dawn M Corbett
JW#: 20-928
Jail Requested
Restitution Requested

A TRUE COPY

Attest [Signature]

Clerk of Courts

STATE OF MAINE
HANCOCK, ss

UNIFIED CRIMINAL DOCKET
DOCKET NO. HANCD-CR-2020-00450

STATE OF MAINE

v.

**MOTION TO AMEND
INDICTMENT AND ORDER**

Craig Alexander Woodard

The State of Maine moves to amend the Indictment as follows:

Current address : [REDACTED]

BUCKSPOT

Dated: January 31, 2023,

[Signature]

Toff Toffolon
Attorney for the State
Bar No.:

ORDER

Motion (denied) granted. Indictment amended as set forth above.

Dated: 02/02/2023

[Signature]

Justice/Judge

Copy: Steven A. Juskewitch Esq

FEB 1 2023 PM 3:04
HANCOCK COUNTY COURTS

1 correct?

2 THE DEFENDANT: Yes, sir.

3 MR. JUSKEWITCH: I -- I -- I think it is missing, at
4 least from my instruction, that the State also has the
5 burden in this case of proving beyond a reasonable doubt
6 that you were not in the exercise of self-defense. Am I
7 wrong? I believe self-defense has been generated.

8 THE COURT: I would say that the -- the
9 self-defense -- Mr. Toffolon, you want to be heard on
10 that?

11 MR. TOFFOLON: No.

12 THE COURT: Then I would say that there is
13 sufficient evidence to raise the issue of self-defense.

14 MR. JUSKEWITCH: Which means they have to disprove
15 that beyond a reasonable doubt.

16 THE COURT: Okay. So you understand all of that?

17 THE DEFENDANT: I understand, sir.

18 THE COURT: All right. And you're wishing to
19 exercise your right not to testify?

20 THE DEFENDANT: That's correct, sir.

21 THE COURT: All right. Very good.

22 Anything further, Mr. Juskewitch?

23 MR. JUSKEWITCH: No.

24 THE COURT: Anything further, Mr. Toffolon?

25 MR. TOFFOLON: Yes. While it's on my mind, speaking

1 lunch. Start lunch now. I want you back by 1:00, and
2 then we'll start closing arguments. I have to work on my
3 instructions to give you, jury instructions, so this will
4 give me time to get those together. So, when you come
5 back, I'll -- I'll read you the instructions, the
6 attorneys will close, and then the case will be finally
7 yours to deliberate.

8 So, with that, you're going to have an hour and a
9 half break. Please don't discuss any of the evidence
10 about the case or anything about the case at all until
11 you get back and the case is given to you and you get to
12 the jury room. Okay? Very good. Thank you very much.

13 (The jury left the courtroom at 11:36 a.m.)

14 THE COURT: All right. So counsel can be back at
15 12:30 so I can -- you can review the -- the instructions.
16 That will be great.

17 MR. JUSKEWITCH: Thank you, Judge.

18 THE COURT: Thank you.

19 (Court was recessed at 11:36 a.m. and was
20 reconvened at 1:24 p.m.)

21 THE COURT: Thank you very much. You may be seated.
22 All right. So -- yes, you can actually put those over on
23 the table over there. You can -- I guess you can do
24 that, or Ernie can do that.

25 All right. So, we've had an opportunity to review

1 the jury instructions; is that correct?

2 MR. JUSKEWITCH: That's correct.

3 THE COURT: And they're acceptable to the defense?

4 MR. JUSKEWITCH: They are.

5 THE COURT: Acceptable to the State?

6 MR. TOFFOLON: Yes, sir.

7 THE COURT: And, Mr. Juskewitch, you wanted to put
8 something on the record about one of the instructions
9 that had -- is not in there and why you -- why you feel
10 it's appropriate for it not to be in there?

11 MR. JUSKEWITCH: I'm sorry. Which one?

12 THE COURT: Defense of premises.

13 MR. TOFFOLON: 104.

14 THE COURT: Defense of premises, 104? You had said
15 in chambers that you weren't asking for that instruction.

16 MR. JUSKEWITCH: Oh, yes. Let me for the record --
17 thank you, Judge. I just want to make sure -- and
18 perhaps the Court will inquire of my client -- just a
19 brief explanation. I did anticipate that this would
20 take -- would be a two-day trial. I -- I did not
21 adequately prepare for a one-day trial. There are a
22 number of things, exhibits. One of them is a motion to
23 open the evidence to accept De -- Joint Exhibit 1 --
24 that's a photograph -- without objection. There are a
25 number of other items. But it turns out that items that

1 I had anticipated would be contested are not contested.

2 One of the items, I've explained to my client, is
3 Section 104, which is defense of property. There
4 certainly is some evidence in the case that the threat
5 was made to commit arson. Essentially, the same
6 standards apply as in 108. I've decided that it's in his
7 best interests not to make the case seem more complex
8 than it is, and, so, I'm not raising a 104 defense along
9 with other items. That's my judgment. It's a strategy
10 call. It could be reviewed by others who would disagree
11 with my strategy. But, nevertheless, I have -- that's my
12 call. I've explained it to him, and I believe he accepts
13 my judgment.

14 THE COURT: Okay. All right. Mr. Woodard, could I
15 get you to stand, please? You had an opportunity to
16 listen to Mr. Juskewitch. We were talking about jury
17 instructions. I don't know what your familiarity is
18 with -- with jury trials, but the Court has to read
19 certain instructions to the jury about what they're
20 supposed to do. One of the -- some of the instructions
21 deal with specifically the law of -- what's called the
22 law of the case. And, so, sometimes facts generate
23 certain instructions, and sometimes facts don't generate
24 certain instructions.

25 Mr. Juskewitch said that it's possible that I could

1 have included, if -- if he wanted, an instruction for
2 defense of premises. That's what he -- when he refers to
3 104, that's Section 104 of the Maine Criminal Code, which
4 defines what the defense of premises is. He's decided
5 not to do that. He feels that he's -- he certainly has
6 you covered and protected with regard to the self-defense
7 deadly force instruction, which I'll be reading to the
8 jury and what the State has to prove to overcome that
9 defense.

10 Do you understand all that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You've had an opportunity to discuss the
13 jury instructions and his decision not to ask for the 104
14 as an instruction?

15 THE DEFENDANT: I have.

16 THE COURT: And you're -- you're satisfied with
17 that?

18 THE DEFENDANT: I am.

19 THE COURT: All right. I also just want to add that
20 sometimes when -- we did have plans for a two-day trial.
21 Sometimes trials take on a life of their own. They go in
22 a different way than what you might expect them to go.
23 Sometimes they go longer. Sometimes they go shorter.
24 But I've always -- I've done a lot of trials,
25 Mr. Toffolon has, Mr. Juskewitch has. I've always

1 considered them to be like a living, breathing thing.
2 They go where they're going to go, and they're going to
3 do what they're going to do, and we're just along for the
4 ride.

5 So, if you have nothing more, then we're -- I guess
6 we'll accept your -- that you're satisfied with the
7 instructions as they are.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Very good. Thank you.

10 All right. So I will introduce -- or I'll have
11 both -- the two of you introduce Joint Exhibit No. 1.

12 MR. JUSKEWITCH: (Mr. Toffolon nodded his head up
13 and down.)

14 THE COURT: Okay. I'll have the jury come in. That
15 will be the first thing we'll do, and then I will read
16 the instructions. All right.

17 (The jury returned to the courtroom at
18 1:29 p.m.)

19 THE COURT: All right. Thank you very much. You
20 may be seated.

21 I want to thank you all for your patience. I know I
22 said 1:00, but it ended up being an extra half hour, but
23 we were working on the jury instructions, and I -- those
24 of you who were here yesterday and had the trial, you
25 know how important it is that the jury instructions be

1 THE COURT: All right. Very good.

2 So, ladies and gentlemen of the jury, this is my
3 opportunity to speak with you. When I'm finished, the
4 attorneys will make their closing arguments. I'll finish
5 my instructions then, and then the case will be yours,
6 and you'll begin your deliberations.

7 As I told you in the beginning of the trial, your
8 job is to find the facts, which means you will decide
9 what happened in this case. You will do that by
10 analyzing the evidence and by determining what evidence
11 you find believable. You will reach your verdict by
12 applying the law, and I will now explain to you the facts
13 that -- you will reach your verdict by applying the law
14 that I will now explain to you to the facts that you
15 find.

16 You should not be concerned about any consequences
17 of any verdict that you may reach. First, do not single
18 out any one instruction alone as stating the law.
19 Consider the instructions as a whole. In your
20 consideration, attach no significance to the order in
21 which the instructions are given. You must consider them
22 all equally important, of equal priority, in applying
23 them to this case.

24 Second, nothing that I say in these instructions and
25 nothing that I have said or done to this point in the

1 proceeding -- trial, no expressions on my face or
2 anything like that, should be taken as any indication
3 that I have any opinion about the facts of this case.
4 The facts are for you and you alone to decide based on
5 the evidence that was presented.

6 You are to perform your duty in deciding the facts
7 free from any passion, any prejudice, any sympathy, or
8 any bias whatsoever.

9 Let me remind you that the attorneys' opening
10 statements and their closing arguments are not evidence.
11 Those are simply statements and arguments of the
12 attorneys for the State and the defendant in which they
13 suggest to you what they think the proper methods for
14 analyzing the evidence and what they believe are the
15 proper inferences and conclusions to be drawn from the
16 evidence. The statements and arguments themselves are
17 not evidence from which you can find these facts.

18 During your deliberations, if your memory of the
19 evidence differs from what the attorneys say in their
20 statements and arguments, then it's your memory that
21 controls.

22 In addition, if, after an objection, I instruct -- I
23 instructed you to disregard particular testimony, that
24 testimony is no longer evidence even though you heard it.
25 You will disregard that testimony, and you will not

1 consider it during your deliberations.

2 Now, evidence in this case is the sworn testimony of
3 the witnesses, regardless of which party called the
4 witness to the witness stand, and the exhibits that have
5 been introduced into evidence, regardless of which party
6 offered the exhibits into evidence.

7 Now, reasonable -- I want to talk to you about the
8 difference between direct evidence and circumstantial
9 evidence. Reasonable inference is another term for
10 circumstantial evidence. There are two types of evidence
11 from which you may find the facts in this case, direct
12 evidence and circumstantial evidence. Direct evidence is
13 direct proof of a fact such as the testimony of an
14 eyewitness. Circumstantial evidence is indirect
15 evidence, proof of a chain of facts from which you can
16 find from another fact exists even though it was -- has
17 not been proven directly. In other words, if facts A, B,
18 and C have been proven beyond a reasonable doubt and from
19 those proven facts you can reasonably infer that fact D
20 has been proven, as well, you are permitted to make that
21 reasonable inference. This is a process that we use
22 every day.

23 You can consider both types of evidence during your
24 deliberations, both direct evidence and circumstantial
25 evidence.

1 For example, if you go to bed tonight, and there's
2 no snow on the ground, you wake up tomorrow morning, and
3 there's a fresh blanket of snow. You look out, and
4 you'll see a set of footprints coming up to your walkway,
5 to your door. They go to your door, and there -- when
6 you open the door, there's your morning paper. You could
7 reasonably infer that sometime during the night it snowed
8 and that your morning paper delivery person had come up
9 your walkway and delivered your newspaper to your door.
10 You did not see or -- him or her do that, but that would
11 be a reasonable inference that you would be permitted to
12 draw from those set of facts.

13 A verdict can be based entirely on circumstantial
14 evidence, entirely on direct evidence, or a combination
15 of circumstantial and direct evidence. It is up to you
16 to determine the weight to be given to any evidence. The
17 issue is whether there is sufficient evidence,
18 circumstantial or direct or both, to prove the facts that
19 must be proved by the State beyond a reasonable doubt.

20 One of the most important things that jurors must do
21 in any case is determine the credibility, which means the
22 believability, of the witnesses who have testified.
23 You're going to determine credibility by using your
24 common sense, which means whatever the 12 of you have
25 learned through your various life experiences. There are

1 also a number of things you may want to consider in
2 determining credibility or believability if you think
3 they are appropriate to this case. Let me suggest some
4 things that you may want to consider if you find them
5 appropriate to this case.

6 You may consider each witness's age, experience, and
7 intelligence. You may consider the way in which
8 witnesses testified on the witness stand. You may
9 consider whether the witness was forthright or evasive.
10 You may consider whether the witness's testimony made
11 sense. You may consider whether on some prior occasion
12 the witness made a statement inconsistent with his or her
13 testimony in this case and, if so, how well the witness
14 explained the prior inconsistent statement. You may
15 consider whether the witness's testimony was
16 corroborated, which means supported, or contradicted by
17 other evidence or by the exhibits. You may consider how
18 well each witness has remembered what took place during
19 the time periods in question. You may consider whether a
20 witness had a good -- an opportunity to make the
21 observations he or she said -- said were made. You may
22 consider whether a witness appeared to be biased in favor
23 or against the State or the defendant. You may consider
24 whether a witness has been convicted of a crime. You may
25 consider whether there has been any evidence introduced

1 of any motive or lack of motive for a witness to ex --
2 exaggerate or lie. Finally, you may consider what
3 interest if any, each witness has in the outcome of this
4 case.

5 This is not a complete list of the things you can
6 consider, but that is the type of process you will go
7 through in determining the credibility or believability
8 to give to the testimony of each witness.

9 Inconsistencies or discrepancies in the testimony of
10 a witness or between the testimony of different witnesses
11 may or may not cause you to question such testimony. Two
12 or more persons witnessing an incident or a transaction
13 may see or hear it differently. And innocent
14 misrecollections, like failure of recollection, sometimes
15 happen. In weighing the effect of any discrepancy,
16 always consider whether it relates to an important issue
17 or an unimportant detail and whether the discrepancies
18 result from innocent or intentional falsehood.

19 After you analyze the testimony, you may decide that
20 you believe everything that a particular witness said.
21 You may decide that you accept only portions of what a
22 particular witness said, and you may reject the entire --
23 only a portion -- reject the remaining portions of the --
24 what the witness's testimony was, or you may decide that
25 you believe nothing that a particular witness said.

1 Now, a case is not decided according to which side
2 presents the most witnesses. The testimony of a single
3 witness is sufficient to prove any fact and would justify
4 a verdict in accordance with such testimony even if a
5 number of witnesses may have testified to the contrary
6 if, after consideration of all the evidence, you believe
7 that the single witness is more accurate and truthful.
8 The truth is not which side brings the greater number of
9 witnesses or presents the greater quantity of evidence
10 but which witness and which evidence you find most
11 accurate and otherwise trustworthy in determining whether
12 the State's burden of proof has been met considering all
13 the evidence in the case.

14 Now, a defendant in a criminal case has the right to
15 remain silent. He or she does not have to take the
16 witness stand and testify, and there's -- no presumption
17 of guilt may be raised, and no inference of any kind may
18 be drawn -- drawn from a defendant's choice not to
19 testify. The law never imposes upon a defendant in a
20 criminal case the burden or duty of calling any witnesses
21 or producing any evidence.

22 Now, the marshal has some handouts. I'm going to
23 hand them out to you. These are some of my instructions.
24 These are the instructions that are specific to the law
25 in this case. I'm going to hand them out. They're not

1 any more important than any of the other instructions
2 that I give you, but I find it's easier for you to follow
3 along when I read these instructions, and, when I'm done
4 reading this portion of my instructions, I'll collect
5 them back up again, but I will have one copy for the
6 foreperson to take into the jury room with them if you
7 have a -- want to refer to them while deliberating.
8 Okay?

9 So I'm now going to give you some instructions
10 regarding the specific crimes with which the defendant
11 has been charged. I am giving these instructions to you
12 in writing not because they're any more important than
13 any other instruction but because they may help you with
14 some of the definitions that I'm about to give you. You
15 should consider all the instructions that I give you as a
16 whole.

17 First, beyond a reasonable doubt. In addition to
18 determining what evidence is credible, you will have to
19 determine whether sufficient credible evidence has been
20 introduced to prove whatever the State is trying to prove
21 beyond a reasonable doubt. That is the standard of proof
22 in a criminal trial.

23 Let me explain the standard of proof beyond a
24 reasonable doubt. First, note the word reasonable. The
25 State is not required to prove guilt beyond any doubt,

1 nor is the State required to prove guilt to a
2 mathematical certainty. The reason the State is not
3 required to meet either of those two tests is that those
4 two tests are almost always impossible to meet in any
5 case. Instead, the test is that of a reasonable doubt.
6 A reasonable doubt defines itself. It is a doubt based
7 on reason and thought. It is not frivolous or whimsical
8 doubt. It is a doubt which a person of sound judgment,
9 after carefully weighing all of the evidence, would
10 entertain as to the guilt of the accused.

11 Put another way, proof beyond a reasonable doubt is
12 proof of guilt sufficient to give you a conscientious
13 belief that the charge against the defendant is almost
14 certainly true.

15 Now I'm going to define presumption of innocence. I
16 instruct you further that the burden of proof in this
17 case is entirely on the State. The defendant does not
18 have to prove anything. That means he does not have to
19 prove he is not guilty. As I said earlier, he does not
20 have to testify. He does not have to call any witnesses.
21 The burden is entirely on the State.

22 Throughout the trial, the defendant is favored with
23 the presumption of innocence. That means that each
24 defendant, although accused, begins the trial with a
25 clean slate and with no evidence against him. That

1 presumption of innocence stays with the defendant all the
2 way through the trial, into the jury room with you, up to
3 the point, if you reach that point, where you are
4 satisfied beyond a reasonable doubt that the defendant is
5 guilty. If you do not reach that point on the charge,
6 if you are not satisfied beyond a reasonable doubt that
7 the defendant is guilty, then on that charge the
8 presumption of innocence still exists and requires you to
9 return a verdict of not guilty.

10 Now, the law defines crimes in terms of elements or
11 components, and the State has to prove each of these
12 elements of a crime that is charged beyond a reasonable
13 doubt before a person can be found guilty of the crime.

14 To begin, the State must prove the defendant's state
15 of mind at each time -- at the time of this incident. In
16 this case, to convict the defendant of elevated
17 aggravated assault, the State must prove beyond a
18 reasonable doubt that the defendant acted intentionally
19 or knowingly.

20 To convict the defendant of aggravated assault or
21 assault, the State must prove beyond a reasonable doubt
22 that the defendant acted either intentionally, knowingly,
23 or recklessly. So let's define intentionally, knowingly
24 and recklessly.

25 Under the intentional alternative, our law says that

1 a person acts intentionally with respect to a result of
2 the person's conduct when it is the person's conscious
3 object to cause such a result.

4 Under the knowing alternative, our law says that a
5 person acts knowingly with respect to a result of the
6 person's conduct when the person is aware that it is
7 practically certain that the person's conduct will cause
8 such a result.

9 Under the reckless alternative, our law says that a
10 person acts recklessly with respect to a result of the
11 person's conduct when the person consciously disregards a
12 risk that the person's conduct will cause such a result.
13 This disregard of risk, when viewed in light of the
14 nature and purpose of his conduct and circumstances known
15 to him must involve a gross deviation from the standard
16 of conduct a reasonable and prudent person would observe
17 in the same situation.

18 On this question of proving a state of mind, I want
19 to point out that there are rarely direct -- there's
20 rarely direct evidence of the operation of the human
21 mind. We do not have cameras that can look into people's
22 heads to photograph a state of mind. You have to infer
23 what the defendant's state of mind was at the time of the
24 act from the surrounding circumstances. You may consider
25 any statements made by the defendant, both at the scene,

1 and before and after the act, along with other facts of
2 evidence that shed light on his state of mind.

3 Now, Count 1 alleges the crime of elevated
4 aggravated assault. The law in Maine provides that a
5 person is guilty of elevated aggravated assault if the
6 person intentionally or knowingly engages in conduct that
7 in fact causes serious bodily injury to another person
8 with the use of a dangerous weapon. So, in order for the
9 State to prove the defendant has committed elevated
10 aggravated assault, the State must convince you beyond a
11 reasonable doubt of each of the following facts: First,
12 it must prove beyond a reasonable doubt that on or about
13 May 7, 2020, in Bucksport, Maine, the defendant
14 intentionally or knowingly engaged in conduct that in
15 fact caused serious bodily injury to Forrest Dale -- I --
16 just one moment -- with the use of a dangerous weapon. I
17 have already defined the terms intentionally and
18 knowingly for you. I want to clarify that the State
19 doesn't have to prove beyond a reasonable doubt all three
20 of these mental states. It can be any one of the three
21 alternatives. Additionally, you do not have to agree on
22 which state of mind the State has proven beyond a
23 reasonable doubt, only that they've proved one of the two
24 states of mind.

25 I now want to define for you some other terms. The

1 term serious bodily injury has a specific definition that
2 we need to discuss. Serious bodily injury is defined in
3 our law as physical pain or physical illness or any
4 impairment of physical conduct which creates a
5 substantial risk of death and which causes serious
6 permanent disfigurement, or loss or substantial
7 impairment of the function of any bodily member or organ,
8 or extended convalescence necessary for recovery of
9 physical health. So the State must prove beyond a
10 reasonable doubt that defendant's conduct caused physical
11 pain or physical illness or any impairment of physical
12 condition of Forrest Dale which -- that part is not
13 necessary for these proceedings. Okay. Third, the State
14 must prove beyond a reasonable doubt that the defendant
15 was using a dangerous weapon.

16 The term use of a dangerous weapon has a specific
17 definition that we need to discuss. Use of a dangerous
18 weapon is defined in our law as the use of a firearm or
19 other weapon, device, instrument, material, or -- or
20 sub -- substance, whether animate or inanimate, which, in
21 the manner it is used or threatened to be used, is
22 capable of producing death or serious bodily injury as we
23 have just defined that term.

24 So, in summary, with these explanations in mind, let
25 me summarize the law of elevated aggravated assault.

1 First, you must conclude that the State has proven beyond
2 a reasonable doubt that on or about May 7, 2020, in
3 Bucksport, Maine, the defendant intentionally or
4 knowingly engaged in conduct that in fact caused serious
5 bodily injury, as we have defined that term, to Forrest
6 Dale and that, finally, the defendant was using a
7 dangerous weapon, your verdict on the charge of elevated
8 aggravated assault would be guilty. If the State has
9 failed to prove any of those facts beyond a reasonable
10 doubt, your verdict on the charge of elevated aggravated
11 assault would be not guilty.

12 Now, Count 2 alleges the crime of aggravated
13 assault. The law in Maine provides that a person is
14 guilty of aggravated assault if he intentionally or
15 knowingly or recklessly causes bodily injury to another
16 person with the use of a dangerous weapon. So, in order
17 for the State to prove that the defendant has committed
18 aggravated assault, the State must convince you beyond a
19 reasonable doubt of each of the following facts: First,
20 it must prove beyond a reasonable doubt that on or about
21 May 7, 2020, in Bucksport, Maine the defendant caused
22 bodily injury to Forrest Dale with the use of a dangerous
23 weapon. The terms intentionally, knowingly, and
24 recklessly, and the use of a dangerous weapon have
25 already been defined for you. I now want to define the

1 term bodily injury, which has a specific definition that
2 we need to discuss.

3 Bodily injury is defined in our law as physical pain
4 or physical illness or any impairment of physical
5 condition. So the State must prove beyond a reasonable
6 doubt that the defendant caused physical pain or physical
7 illness of any -- or any impairment of physical condition
8 to Forrest Dale. Second, the State must prove beyond a
9 reasonable doubt that the defendant caused the bodily
10 injury to Forrest Dale with the use of a dangerous
11 weapon.

12 So, now, in summary, with these explanations in
13 mind, let me summarize the law of aggravated assault.
14 First, if you conclude that the State has proven beyond a
15 reasonable doubt that on or about May 7, 2020, in
16 Bucksport, Maine, the defendant intentionally, knowingly,
17 or recklessly caused bodily injury with the use of a
18 dangerous weapon, as we have defined those terms, to
19 Forrest Dale, your verdict on the charge of aggravated
20 assault would be guilty. If the State has failed to
21 prove any one of those facts beyond a reasonable doubt,
22 your verdict on the charge of aggravated assault would be
23 not guilty.

24 Moving on to Count 3, which alleges the crime of
25 assault, the law in Maine provides that a person is

1 guilty of assault if the person intentionally or
2 knowingly or recklessly causes bodily injury or offensive
3 physical contact to another person. So, in order for the
4 State to prove that the defendant has committed assault,
5 the State must convince you beyond a reasonable doubt
6 each of the following facts: First, it must prove beyond
7 a reasonable doubt that on or about May 7, 2020, in
8 Bucksport, the defendant intentionally, knowingly, or
9 recklessly caused bodily injury or offensive physical
10 contact to Forrest Dale. I have already defined the
11 terms intentionally, knowingly, and recklessly. I now
12 want to define the term bodily injury and offensive
13 physical contact, which have specific definitions that
14 you need to discuss.

15 Bodily injury is defined in our law as physical pain
16 or physical illness or any impairment of physical
17 condition. Offensive physical contact essentially
18 defines itself. It means physical contact which would be
19 offensive to a reasonable and prudent person in the
20 circumstances of Forrest Dale, as you find those
21 circumstances to be.

22 So, the State must prove beyond a reasonable doubt
23 that the defendant intentionally, knowingly, or
24 recklessly caused physical pain or physical illness or
25 any impairment of physical condition to Forrest Dale, or,

1 alternatively, the State must prove beyond a reasonable
2 doubt that the defendant caused offensive physical
3 contact to Forrest Dale.

4 So, now with this -- these explanations in mind, let
5 me summarize the law of assault. First, if you conclude
6 that the State has proven beyond a reasonable doubt that
7 on or about May 7, 2020, in Bucksport, Maine, the
8 defendant intentionally, knowingly, or recklessly caused
9 either bodily injury or offensive physical contact, as we
10 have defined those terms, to Forrest Dale, your verdict
11 on the charge of assault would be guilty. If the State
12 has failed to prove any one of those facts beyond a
13 reasonable doubt, your verdict on the charge of assault
14 would be not guilty.

15 Now, with respect to cause, the State must prove
16 beyond a reasonable doubt that the serious bodily injury
17 or the bodily injury or the offensive physical contact
18 would not have occurred without the conduct of the
19 defendant.

20 Now, if you determine, in accordance with the
21 previous instructions, that the elements of either
22 elevated aggravated assault, aggravated assault, or
23 assault have been proven beyond a reasonable doubt, you
24 must next consider the issue of self-defense.

25 In certain circumstances acts that otherwise might

1 be criminal, including, in a few instances, use of deadly
2 force, may be justified when reasonably necessary to
3 protect an individual. Deadly force is physical force
4 that a person uses with the intent of causing or which he
5 knows causes a substantial risk of causing death or
6 serious bodily injury.

7 A person is justified in using deadly force upon
8 another person when he reasonably believes that the other
9 person is about to use unlawful deadly force against him
10 and he reasonably believes that his use of deadly force
11 is necessary to defend himself.

12 A person is never justified in using deadly force if
13 he provokes the encounter leading to use -- the use of
14 the deadly force or if he knows that he can retreat from
15 the encounter with complete safety.

16 Because the evidence gen -- generates an issue of
17 whether the defendant acted in self-defense, to -- to
18 support a conviction of either elevated aggravated
19 assault, aggravated assault, or assault, the State must
20 prove beyond a reasonable doubt that with a purpose to
21 cause physical harm to another person, the defendant
22 provoked the encounter, or the defendant knew he could
23 retreat in complete safety from the encounter from --
24 with Forrest Dale, or the defendant knew that Forrest
25 Dale was not about to use deadly force against him, or

1 the defendant knew that his use of deadly force was not
2 necessary to defend himself.

3 If you find that although the issue of self-defense
4 is presented, the State has proven any one or more of the
5 above facts, A, B, C, or D beyond a reasonable doubt,
6 then the State has met its burden of proving the absence
7 of self-defense and you should find the defendant guilty
8 of either elevated aggravated assault, aggravated
9 assault, or assault. If you -- if the State has failed
10 to prove any one of the facts -- any one of the facts of
11 A, B, C, or D beyond a reasonable doubt, then the State
12 has not met its burden of proving the absence of
13 self-defense and you should find the defendant not guilty
14 of the charges of elevated aggravated assault, aggravated
15 assault, or assault.

16 All right. I am -- if you want to hand those back
17 to the marshal.

18 And, actually, Mr. Foreperson, I said I'd let you
19 hold on to one. There's a typo, so I'm going to fix
20 that, and then I'll send that back in the jury room.

21 I'm now going to turn the courtroom over to the
22 attorneys so they can give you their closing arguments.
23 Because the State has the burden, they go first. When
24 the defendant's attorney is done, the State will have an
25 opportunity to rebut anything brought up by defendant's

1 So with those corrections to the status of the law,
2 at least as the State sees them, and with those comments
3 about the facts, at least as the State sees them, the
4 State will end its discussion with you finally by again
5 resorting to the picture. How can anyone argue that when
6 you're shot in the buttocks you're being shot from the
7 side? Go into the jury room. Collectively discuss this
8 case. If you're shot from the side, you're shot here in
9 the hip. You're not shot in the butt.

10 Mr. Woodard is guilty. Thank you.

11 THE COURT: Thank you, Attorney Toffolon.

12 All right. Because I -- when I gave you the
13 instructions with regard to elevated aggravated assault,
14 there was a typo in them -- and I will fix that typo -- I
15 want to re -- review those -- that instruction
16 specifically just so that you can hear it from me and
17 it's clear. So, once again, I'm going to repeat the
18 instruction of elevated aggravated assault. It has
19 nothing to do with anything that any -- either attorney
20 said. It's just because I want to make sure that you're
21 clear on what that instruction is.

22 Count 1 alleges the crime of elevated aggravated
23 assault. The law in Maine provides that a person is
24 guilty of elevated aggravated assault if the person
25 intentionally or knowingly engages in conduct that in

1 fact causes serious bodily injury to another person with
2 the use of a dangerous weapon.

3 So, in order for the State to prove that defendant
4 has committed elevated aggravated assault, the State must
5 convince you beyond a reasonable doubt of each of the
6 following facts: First, it must prove beyond a
7 reasonable doubt that on or about May 7, 2020, in
8 Bucksport, Maine, defendant intentionally or knowingly
9 engaged in conduct that in fact caused serious bodily
10 injury to Forrest Dale with the use of a dangerous
11 weapon.

12 I have already defined the terms intentionally and
13 knowingly. I want to clarify that the State doesn't have
14 to prove beyond a reasonable doubt all of these mental
15 states. It can be any one of these alternatives.
16 Additionally, you do not have to agree on which state of
17 mind the State has proven beyond a reasonable doubt, only
18 that they proved one of them.

19 I now want to define the other terms. The term
20 serious bodily injury has a specific definition that I
21 need to discuss. Serious bodily injury is defined in our
22 law as physical pain or physical illness or any
23 impairment of physical condition which creates a
24 substantial risk of death or which causes serious
25 permanent -- causes serious permanent disfigurement, or

1 loss or substantial impairment of any function of any
2 bodily member or organ, or extended convalescence
3 necessary to recover -- for the recovery of physical
4 health. So the State must prove beyond a reasonable
5 doubt that defendant's conduct caused physical pain or
6 physical illness or which impaired the physical condition
7 of Forrest Dale which created a substantial risk of death
8 or which caused serious permanent disfigurement, or loss
9 or substantial impairment of a function of any body
10 member or organ, or which required extended convalescence
11 necessary for recovery of physical health.

12 Third, the State must prove beyond a reasonable
13 doubt that the defendant was using a dangerous weapon.
14 The term use of a dangerous weapon has a specific
15 definition and that need -- that we need to discuss. Use
16 of a dangerous weapon is defined in our law as the use of
17 a firearm or other weapon, device, instrument, material,
18 or substance, whether animate or inanimate, which, in the
19 manner it is used or threatened to be used, is capable of
20 producing death or serious bodily injury as we have just
21 defined that term.

22 So, in summaries, with these explanations in mind,
23 let me summarize the law of elevated aggravated assault.
24 First, if you conclude that the State has proven beyond a
25 reasonable doubt that on or about May 7, 2020, in

1 Bucksport, Maine, the defendant intentionally or
2 knowingly caused -- I'm sorry -- engaged in conduct that
3 in fact caused serious bodily injury that -- as we have
4 defined that term to Forrest Dale and that, finally, the
5 defendant was using a dangerous weapon, your verdict on
6 the charge of elevated aggravated assault would be
7 guilty. If the State has failed to prove any one of
8 those facts beyond a reasonable doubt, your verdict on
9 the charge of elevated aggravated assault would be not
10 guilty.

11 So, once again, that's just to clarify -- because
12 there was a typo, just to clarify the instruction with
13 regard to elevated aggravated assault.

14 Now, before I continue, I want to discharge the
15 alternates. As you know, we select an alternate or
16 alternates so that we would not have to try the case
17 again if something happens to one of the original jurors.
18 Fortunately, nothing has happened in this case. The
19 alternates are selected on the basis of the order in
20 which their juror numbers are selected during the jury
21 selection and not for any other reason.

22 So, Juror 120 and Juror 123, you have been selected
23 as the alternates in this case before it began. I'm
24 sorry that you will not have a chance to decide the case
25 with your fellow jurors, but I want to thank you for your

1 participation and listening carefully as you did, and so
2 now you are free to go. If you have anything in the jury
3 room, you can go pick it up.

4 You -- are you on -- either of you on any other
5 juries?

6 ALTERNATE JUROR: No.

7 ALTERNATE JUROR: No.

8 THE COURT: No? You don't have any other juries,
9 sir?

10 ALTERNATE JUROR: No.

11 THE COURT: How about you?

12 ALTERNATE JUROR: (The alternate juror shook their
13 head from side to side.)

14 THE COURT: Neither are you either? Okay. So
15 you are free to go, and you're discharged from your
16 service. And I want to appreciate -- tell you how much I
17 appreciate you coming in and performing your duty as
18 jurors. Thank you very much.

19 (The alternate jurors left the courtroom at
20 2:45 p.m.)

21 THE COURT: All right. Now that there are 12 of you
22 remaining, in order to return a verdict, all 12 of you
23 must agree on the verdict. The verdict must be
24 unanimous. Each of you must decide the case for yourself
25 but only after an impartial consideration of the evidence

1 with your fellow jurors.

2 During the deliberations, you should not hesitate to
3 change your mind if the arguments of your fellow jurors
4 convince you that your initial analysis or conclusions
5 were incorrect. On the other hand, you should not give
6 up a well-reasoned, well-thought-out belief simply
7 because you want to end the deliberations or because you
8 stand alone.

9 You should not be concerned about how long it takes
10 to reach a verdict. Some verdicts can be returned
11 quickly. Others take longer. The length of deliberation
12 depends on how difficult you find the determination of
13 credibility and the determination of the facts to be. As
14 I have told you in these instructions, deciding
15 credibility and deciding the facts are your jobs as
16 jurors. You do not have an opinion on the -- I do not
17 have an opinion on these issues. Please do not consider
18 anything I may have done during the course of this trial
19 as suggesting that I do have an opinion on the facts or
20 the credibility of the witnesses. My job is to determine
21 the law that applies to this case. I have given you the
22 law as I received it from the Maine Legislature and from
23 the Maine Supreme Judicial Court. Whether you like or
24 agree with the law is not relevant to your deliberations
25 or to your verdict. It would be a violation of your oath

1 as jurors to base a verdict on anything other than the
2 law as I have instructed you.

3 You cannot allow your emotions or any feelings of
4 prejudice or sympathy that you might have developed
5 during the course of this trial to play any part in your
6 verdict. You have a duty to be businesslike. In as
7 businesslike and as analytical a way as possible, you
8 will decide credibility and the facts. You apply those
9 facts to the law I have given you, and you will give us
10 your verdict. If you do all of that in a businesslike,
11 analytical way, you will be doing justice, and that is
12 what everyone in this courtroom wants you to do.

13 Now, Juror 74, as you know, you are the foreperson
14 of this jury, and you're going to take over now. Your
15 vote is not worth any more than any of the other jurors',
16 obviously, but it is your job in the jury room to
17 organize the deliberations and to see that they run
18 smoothly.

19 During the deliberations, there is no obligation on
20 the part of any juror to say anything at all on a
21 particular issue if he or she chooses not to speak. Each
22 juror's only absolute obligation is to vote on the
23 verdict. On the other hand, any juror who wants to speak
24 on any issue has the right to do so completely and be
25 fully heard. It is your job as foreperson to make sure

1 that each juror has that opportunity. It is also your
2 job to decide when to take a vote or votes on a verdict.
3 I am sure that you will listen to the recommendations of
4 your fellow jurors when making those decisions.

5 During your deliberations, if you cannot agree on
6 the testimony of a particular witness or on the
7 instructions that I have given you in writing, and you
8 would like to rehear testimony or the instructions,
9 please write a note to me as precisely as you can
10 describing the portion of the testimony or the
11 instructions you wish to rehear. The jury officer will
12 deliver the note to me. If you agree with -- if I agree
13 with you that it is important, I will reassemble you in
14 the courtroom, and the court reporter will read the
15 requested testimony, or I will read or give you the
16 requested instructions.

17 I am sure you will find that your collective memory
18 of the testimony and instructions will exceed your
19 individual memories, and you will give -- can fill any
20 gaps in the testimony or instructions for each other.

21 So if I can meet with counsel at sidebar.

22 BENCH CONFERENCE

23 THE COURT: Any corrections or additions?

24 MR. JUSKEWITCH: Yes, Your Honor. Because of the
25 recharge --

1 THE COURT: Yep.

2 MR. JUSKEWITCH: -- on the elevated aggravated
3 assault, I think there's potential confusion about the
4 number of items and what the proof is, so I would ask
5 that pages 32 through 35 be recharged.

6 THE COURT: 32 through 35? 35 up to the asterisk?

7 MR. JUSKEWITCH: Yes.

8 THE COURT: State?

9 MR. JUSKEWITCH: As we all know, self-defense --
10 self-defense is one of our most complex, and, so, it's
11 complex for us, and I think it's even --

12 THE COURT: Okay. I will reinstruct.

13 MR. TOFFOLON: Can I have my 34 back?

14 MR. JUSKEWITCH: Was it 34?

15 MR. TOFFOLON: Yes.

16 MR. JUSKEWITCH: 34. Yeah.

17 THE COURT: Okay.

18 (The bench conference was concluded.)

19 THE COURT: The attorneys made an excellent point,
20 and I agree that because I read back some of the
21 instructions I should probably also read back another
22 very important instruction, which is self-defense. And,
23 as Mr. -- Attorney Toffolon stated, it can be confusing,
24 so I want to read it back to you one more time to make
25 sure it's clear. You will get a copy of this instruction

1 with you in the jury room, but I just want to read it one
2 more time.

3 If you determine, in accordance with the previous
4 instructions, that the elements of either elevated
5 aggravated assault, aggravated assault, or assault have
6 been proven beyond a reasonable doubt, you must next
7 consider the issue of self-defense. In certain
8 circumstances acts that otherwise might be criminal,
9 including, in a few instances, use of deadly force may be
10 justified when reasonably necessary to protect an
11 individual.

12 Deadly force is physical force that a person uses
13 with the intent of causing, or which he knows creates a
14 substantial risk of causing, death or serious bodily
15 injury.

16 A person is justified in using deadly force upon
17 another person when he reasonably believes that the other
18 person is about to use unlawful deadly force against him
19 and he reasonably believes that his use of deadly force
20 is necessary to defend himself.

21 A person is never justified in using deadly force if
22 he provokes the encounter leading to the use of deadly
23 force or if he knows that he can retreat from the
24 encounter with complete safety.

25 Because the evidence generates an issue of whether

1 the defendant acted in self-defense, to support -- acted
2 in self-defense, to support a conviction for either
3 elevated aggravated assault, aggravated assault, or
4 assault, the State must prove beyond a reasonable doubt
5 that, A, with a purpose to cause physical harm to another
6 person, the defendant provoked the encounter, or, B, the
7 defendant knew he could retreat in complete safety from
8 the encounter with Forrest Dale, or, C, the defendant
9 knew that Forrest Dale was not about to use deadly force
10 against him, or the defendant knew that his use of deadly
11 force was not necessary to defend himself.

12 If you find that although the issue of self-defense
13 is presented and the State has proven any one or more of
14 the above facts, either A, B, C, or D, beyond a
15 reasonable doubt, then the State has met its burden of
16 proving absence of self-defense and you should find the
17 defendant guilty of either elevated aggravated assault,
18 aggravated assault, or assault. If the State has failed
19 to prove any one of the above facts, once again, A, B, C,
20 or D, beyond a reasonable doubt, then the State has not
21 met its burden of proving absence of self-defense and you
22 should find the defendant not guilty of elevated
23 aggravated assault, aggravated assault, and assault.

24 So that's the reinstruction on self-defense.

25 So, when you have reached a verdict, knock on the

1 door. Tell the jury officer that you have a verdict. Do
2 not tell the jury officer what the verdict is. We will
3 reassemble in the courtroom. When you come in, the clerk
4 will inquire whether you have reached a verdict. If your
5 answer is yes, the clerk will inquire whether you have
6 found the defendant guilty or not guilty of the offenses
7 of either elevated aggravated assault, aggravated
8 assault, and/or assault.

9 Ladies and gentlemen, good luck to you.

10 (The jury retired to the jury room to commence
11 deliberations at 2:55 p.m.)

12 THE COURT: All right. So --

13 MR. JUSKEWITCH: 1. Defense 1. Defense 2. Did you
14 have --

15 THE COURT: You've got --

16 MR. TOFFOLON: The disc.

17 THE COURT: -- the Google map, I guess, the big
18 photo, and the two --

19 MR. TOFFOLON: Digital.

20 MR. JUSKEWITCH: Thumb drive?

21 THE COURT: -- thumb drive, and the --

22 MR. TOFFOLON: Disc.

23 MR. JUSKEWITCH: Okay.

24 THE COURT: All right. So I'll prepare -- I'll fix
25 the typos here and have this put into the jury room, as

STATE OF MAINE

-VS-

CRAIG WOODARD

STATE'S SENTENCING MEMORANDUM

The State offers the following information and recommendations to the Court according to the sentencing protocol set forth in *State v. Hewey*.

THE BASIC SENTENCE

The lead sentencing count is Elevated Aggravated Assault, Class A. The State believes that count two carries a minimum mandatory active sentence of one year, but because the Class A offense carries a maximum sentence of thirty years, the State believes that the count two sentence will be substantially exceeded by the time to serve on the primary charge.

In analyzing where this elevated aggravated assault falls on the spectrum of severity, the Court is respectfully urged to consider that:

- The injury was caused by a firearm
- The defendant enticed the victim to come closer before he shot
- The victim was unarmed and he presented no threat to the defendant
- There were multiple shots fired
- The victim was in retreat when he was hit
- The handgun was retrieved from behind a tree, showing planning
- The victim was seriously injured and thought that he was going to die
- The defendant took no steps to aid the victim after he shot him

- The shooting was unprovoked, that is, there is no remotely rational reason for the discharge of the weapon
- The defendant fired toward the public road, putting others at risk

The State places this event above the midpoint on the spectrum, suggesting a basic sentence of eighteen years.

AGGRAVATING FACTORS

- The defendant does have a prior conviction for a crime of violence, domestic violence assault in 2011 while in Kentucky. It is likely that this conviction would make him a prohibited person, so the very possession of a firearm on his part was felony conduct.
- The defendant was using alcohol at the time of the shooting
- The defendant felt, and still feels, completely justified with regard to his actions
- Dr. Thorpe opines that Mr. Woodard has a pattern of interpersonal dominance and self-importance. These traits are within the defendant's control because his personality psychopathology is within normal limits. In other words, the defendant chooses to ignore, or even indulge, these negative personality traits.

MITIGATING FACTORS

- The defendant's prior record is minimal, but for the domestic violence conviction
- The defendant reports a steady work history

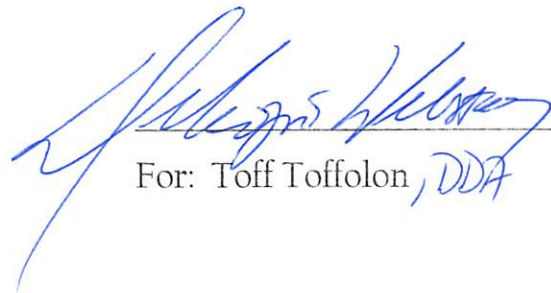
Weighing the above factors, the State suggests that there should be no change in the basic sentence, which should remain at eighteen years.

SHOULD A PORTION OF THE SENTENCE BE SUSPENDED?

There is little doubt that the Court will impose a period of probation. The State argues that supervision conditions should include mental health evaluation and treatment and all substance conditions, as well as a no contact provision. However the State argues that the defendant should be required to serve a significant prison sentence in order to recognize the gravity of this Class A crime, and to send a message of deterrence to others who might be tempted to reach for a hidden gun and shoot a defenseless victim who was retreating, all without cause or reason. Also, the sentence should be severe enough to recognize the profound and life changing physical and emotional impact that the shooting had upon Mr. Dale.

In summary, the State recommends a sentence of eighteen years, all but ten years suspended, with four years of probation.

Date: August 29, 2023


For: Toff Toffolon, DDA ^{DDA} ON BEHALF OF

CERTIFICATE OF SERVICE

On the date shown below, I scanned a copy of this document to Attorney Juskewitch.

Date: September 5, 2023


For: Toff Toffolon, DDA ^{DDA} ON BEHALF OF

STATE OF MAINE
HANCOCK, ss

CRIMINAL DOCKET
LOCATION: ELLSWORTH
DOC NO. HAND-CR-20-450

STATE OF MAINE *
*
V *
*
CRAIG A. WOODARD *
DOB 07/11/1990 *

DEFENDANT'S SENTENCING
ANALYSIS

Now comes the Defendant, through counsel, and files this sentencing analysis to assist the court in determining the appropriate sentence following the jury verdict on April 12, 2023 finding Craig Woodard guilty of Class A Elevated Aggravated Assault occurring in Bucksport on May 7, 2020.

The other charges are merged or consolidated with Count 1, Class A offense for sentencing purposes.

FACTUAL BACKGROUND

Craig Woodard and Forest Dale taunted and insulted each other through social media. They engaged in serious mutual disparagement of and physical threats towards each other. Forest Dale became so enraged that he challenged Craig Woodard to a fight and drove to Woodard's residence. Woodard had called the Bucksport police but they did not respond until after shots had been fired.

When Dale arrived at Woodard residence, Woodard declined to fight. Dale marched up Woodard's driveway insisting on his right to a fight and made threats of bodily harm to Woodard and his family. Woodard maintained that he

would not fight and that if Dale continued up the driveway making threats of violence, Woodard would shoot him.

Dale continued to insist that he had the right to force Woodard to fight him and traveled up the driveway. Woodard continued to refuse to fight and told Dale that he would shoot if Dale continued to travel up the driveway towards Woodard while making threats toward Woodard and his family. Dale continued up the driveway and threatened to kill Woodard and his family if Woodard didn't fight him. Woodard and his father testified that they thought Dale had a gun.

Dale testified that he didn't have a gun and that he changed his mind and went back down the driveway. He testified that when he had started back down the driveway, Woodard fired six shots at him and the sixth shot hit Dale in the lower left side of his left buttock, exiting his buttock between his legs.

Defendant's Exhibit 1 is a photograph of Dale's wound confirming entry into the lower left buttock and the exit between his legs.

There was testimony from Woodard and his father that three warning shots were fired as Dale marched up the driveway making threats. Woodard told the police that he fired three warning shots and believing that serious bodily harm was imminent, he aimed his last three shots at "center mass" with intent to kill.

VERDICT ANALYSIS

In order to return a guilty verdict, the jury had to find, beyond a reasonable doubt, 1) there was no reasonable doubt Woodard acted with a purpose to cause physical harm to Dale and had provoked the encounter; 2) Woodard knew that he could retreat in complete safety from the encounter; 3) Woodard knew that Dale was not about to use deadly force against him, or 4) Woodard knew that the use of deadly force was not necessary to defend himself on May 7, 2020 at Woodard residence.

The jury found that Woodard was not entitled to self-defense, mostly likely on the theory that the threat had dissipated when Dale retreated by finding his testimony more credible than Woodard's statement to the police, his father's testimony, and the admitted photographs of the wound and the Woodard premises.

STATUTORY SENTENCING ANALYSIS

17-A MRSA Section 1602 Subsection 1 requires the court to first establish the base sentence for the crime by considering the particular nature and seriousness of the offense committed. The instant case involves imperfect self defense, to wit, the defendant erroneously believed that he was entitled to use deadly force pursuant to 17-A MRSA Section 108 Subsection 2.

Undersigned counsel reviewed imperfect self-defense cases and was unable to find any cases with similar facts. Those cases all involved significant improper conduct by the defendant at the time of the incident. The defendant

and his father were at their residence when Forest Dale arrived and made serious threats. Each of them thought Forest Dale was serious about the threats to do bodily harm and that he was armed. Forrest Dale himself, testified that he made many threats and went to the Woodard residence with the clear intent to do harm to Craig Woodard and to others if Craig did not fight him.

The significant factual issue in this case is the credibility of Forrest Dale's testimony that he had abandoned his threats and was no longer a threat before any shots were fired.

Woodards' statements describing the event and the photograph showing that Forest Dale had not completely turned when the sixth and final bullet was fired did not raise any reasonable doubt in the jury's mind.

There was no evidence that Woodard did anything to provoke Dale's conduct during the incident beyond refusing to fight. There may have been some confusion in the jury's mind as to whether the absence of any provocation toward Forest Dale during the absence was significant in view of the prior relationship of the parties. They may have thought their prior internet interactions were sufficient provocation and no more was needed at the actual encounter.

Given the actual circumstances, i.e. Craig Woodard's residence and each participant's conduct at the time of the shooting (distinct from the previous conduct of each party), the appropriate base sentence is eight (8) years.

The second step is determining the appropriate maximum term of imprisonment to be imposed is the consideration of aggravating and mitigating factors.

The potential aggravating factors consist of the use of a firearm and the impact on the victim due to his injury. Both of which are inherently included by classification of the convicted crime. Fortunately, Dale's injury consisted of flesh damage without significant impairment to Dale's marathon running.

Mitigating factors include Dr. Thorpe's presentence evaluation which confirms a low risk of repeated conduct. There are numerous letters of support from people who know and respect Craig Woodard. There is the Maine State Police official recognition and Senator Collins' recognition of Craig's saving the life of a seriously injured motorcyclist. There is the absence of a significant criminal history. His military and community record are mitigating factors. Craig has a steady work history, primarily in the fishing industry. There are his continuing responsibilities as a parent of two young daughters.

Availing himself of a trial is neither an aggravating or mitigating factor and neither is his military training to shoot at "center mass". The center mass concept is simply a matter of military training when circumstances require shooting. Being mistaken as to the use of self defense, especially under these circumstances, is not evidence of bad character or thought, it was a mistake.

The poor and 'provoking' communications between the parties prior to the shooting is neither aggravating or mitigating because of the obvious mutuality involved.

The most significant mitigating factor is the absence of criminal involvements or misjudgments in the three and one half (3 ½) years during the pendency of the trial. It That establishes clear and unequivocal support for the likelihood that further there will be no future similar occurrences

This sentencing step requires balancing aggravating and mitigating factors results in a maximum sentence of four (4) years in this case.

The third and final step in determining the appropriate term of imprisonment is whether or not some portion of the sentence should be suspended and probation imposed.

There was a risk of serious injury in this case because a firearm was involved. Fortunately, serious and permanent injury did not occur in this case.

Because of the lack of criminal history with significant mitigation, and the specified sentencing purpose of avoiding risk of institutionalization, probation is appropriate in this case.

This sentence appropriately acknowledges the three and one half years (3 ½) the Defendant has spent on bail without serious violation.

The proposed no excessive use of alcohol probation condition appropriately reflects that there was no evidence or record of Defendant's

abuse of alcohol, there was no alcohol was involved, and the police allowed the Defendant to consume alcohol prior their interview of the Defendant.

Because the indictment does not include the statutory mandated “against the person” language and the statutory 17-A M.R.S.A. Section 1604 3 citation, there is no mandatory minimum term of imprisonment.

CONCLUSION

The appropriate sentence in this case is four (4) years with all but eighteen (18) months suspended followed by three (3) years of probation with reasonable special conditions of no excessive use of alcohol and no use or possession of illegal drugs.

Dated: November 9, 2023



Steven A. Juskewitch, Esq Bar No. 272
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102 Main Street Suite B
Ellsworth, Maine 04605
207 667 0483

CERTIFICATE OF SERVICE

I, Steven A. Juskewitch, Esquire, hereby certify that I have made service of this Motion by mailing a copy thereof by regular US Mail postage prepaid to District Attorney’s Office, 70 State Street, Ellsworth, Maine 04605-0722 or by delivering a copy thereof to the said District Attorney’s Office. *Email Seq*

Dated: November 9, 2023



Steven A. Juskewitch. Esquire

STATE OF MAINE
HANCOCK, ss

CRIMINAL DOCKET
LOCATION: ELLSWORTH
DOC NO. HAND-CR-20-450

STATE OF MAINE

V

CRAIG A. WOODARD
DOB 07/11/1990

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MOTION FOR JUDGMENT OF ACQUITTAL
M.R,U.CR.P. Rule 29 (b)

Now comes the Defendant, Craig A. Woodard, through his attorney, Steven A. Juskewitch and moves for a judgment of acquittal pursuant to M.R,U.CR.P. Rule 29 (b) on the basis that no reasonable jury, even taking the evidence in the light most favorable to the state, could help but have a reasonable doubt that the Defendant did not act in self-defense or defense of property. The following is submitted in support of the motion:

1. On April 12, 2023, the jury found Craig Woodard guilty of Elevated Aggravated Assault (Class A), Aggravated Assault (Class B) and Assault (Class D) allegedly occurring on May 7, 2020 in Bucksport and that beyond a reasonable doubt that Craig Woodard did A. with a purpose to cause physical harm to Forrest Dale provoke the encounter on May 7, 2020, B. knew that he could retreat in complete safety from the encounter on May 7, 2020, C. knew that Forrest Dale was not about to use deadly force against him, or D. knew that the use of deadly force was not necessary to defend himself.
2. There was no evidence presented at trial that Craig Woodard knew beyond a reasonable doubt that Forrest Dale was not about to use deadly force against him and his family on May 7, 2020.

3. There was no evidence presented at trial that Craig Woodard could retreat in complete safety from Forrest Dale's threats to beat him or burn his residence with him and his family in it on May 7, 2020 and Craig Woodard knew it.

4. There was no evidence presented at trial that Craig Woodard could retreat in complete safety from Forrest Dale's threats to beat him or burn his residence with him and his family in it on May 7, 2020 and Craig Woodard knew it.

5. There was no evidence presented at trial that Craig Woodard knew that the use of deadly force was not necessary to defend himself on May 7, 2020 against the threats of Forrest Dale to beat him or burn him and his family in his residence beyond a reasonable doubt. The evidence is uncontroverted that Forrest Dale intended to beat Craig Woodard and threatened to burn him and his family if Craig Woodard did not submit to the beating.


WHEREFORE, the Defendant respectfully moves for a judgment of acquittal for the reasons set forth herein.

Dated: April 25, 2023



Steven A. Juskewitch, Esq Bar No. 272
Juskewitch Law Office
3 Franklin Street
Ellsworth, Maine 04605
207 667 0483

*My 19, 2023
For Reasons stated
on the Record
Motion Denied*



Motion for Judgment of Acquittal is Granted/Denied

Date:

Judge, District Court

CERTIFICATE OF SERVICE

I, Steven A. Juskewitch, Esquire, hereby certify that I have made service of this Motion 1 by mailing a copy thereof by regular US Mail postage prepaid to District Attorney's Office, 70 State Street, Ellsworth, Maine 04605-0722 or by delivering a copy thereof to the said District Attorney's Office.

Dated: April 25, 2023



Steven A. Juskewitch, Esquire.