

MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

Docket No. SOM-23-328

STATE OF MAINE,
APPELLEE,

v.

GARRETT J. COTE, JR.,
APPELLANT.

On Appeal from the Somerset Unified Criminal Docket

Brief of Appellant with Appendix

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PROCEDURAL HISTORY

On June 21, 2023, Appellant Garrett J. Cote, Jr. was tried before a jury (Benson, J., presiding) on a criminal charge of Class C Criminal Threatening with a Dangerous Weapon, 17-A M.R.S. §§ 209(1) & 1604(5)(A). The jury returned a guilty verdict. On August 21, 2023, the trial court sentenced Cote to three years' incarceration. Through counsel, Cote timely appealed the verdict and also sought leave to appeal the sentence. On October 24, 2023, this Court denied leave to appeal the sentence.

FACTS

On May 8, 2022, 8:30am, Stephen Richardson was driving on Route 23 in Canaan, Maine. (Trial Tr. 17-18.) Richardson was following a vehicle that was “swerving all over the road.” (Id. at 18.) Richardson “got up a little closer” in his “big van” (a Chevrolet Express)¹ and looked down through the back windows and saw that the driver was texting. (Id. at 18, 23.) Richardson “blared on the horn” and startled the driver. (Id. at 18.) The driver, who had been in the wrong lane, corrected the vehicle, sped up, and continued driving for another half of a mile. (Id. at 19.) The driver pulled over and, as Richardson was passing, he saw the driver exiting the vehicle. (Id. at 19, 26.) The driver wore a black mask and went into the back seat area of the vehicle, where he retrieved a “big black gun.” (Id. at

¹ The dispatch recording played at trial indicated that the other vehicle was a Toyota Corolla. (Id. at 29.)

19-20.) Richardson continued to drive and did not see the driver holding the gun, but his son, who was also in the vehicle, said “the guy [has] a gun.” (Id. at 20-21.) Richardson testified that the revelation of the gun got his “heart going pretty good” and he worried about his son, who he told to get down not knowing what kind of gun it was. (Id. at 21.) Richardson called 911 to report the incident and the driver’s location. (Id.) The driver, back in his vehicle, followed Richardson for “maybe a minute, if that, not even.” (Id. at 22, 27.) At trial, Richardson testified:

I looked back and he has got it out the window chasing us, right up to my bumper like this close. I should have stomped on the brakes right on and crammed him right up under the fucking back of my van and got out and beat his ass.

(Id. at 27.) Richardson saw the driver turn onto Tuttle Road. (Id. at 21.) Richardson turned his vehicle around and followed the driver, while still on the phone with dispatch. (Id. at 22.) Richardson denied telling dispatch that he was being shot at, but the dispatch recording played at trial demonstrated that he reported being shot at three times. (Id. at 28-30.)

Deputy Andrew Bowman of the Somerset County Sheriff’s Office responded to the shots fired call. (Tr. 32-33.) Deputy Bowman’s investigation led him to question Cote about the incident. (Id. at 33.) Cote told Deputy Bowman that he was driving on Route 23 in Canaan, a vehicle was trying to run him off of the road, and that Cote had an air javelin in his vehicle that he showed to the driver of the other vehicle. (Id. at 33-34.) Cote showed the air javelin to Deputy

Bowman and explained that it was CO-2 powered and shot arrows. (Id. at 37.) Cote told Deputy Bowman that Cote was worried that the vehicle was going to ram him and that the other driver had blared the horn. (Id. at 35.) Cote told Deputy Bowman that he did not call 911. (Id. at 38.) On cross-examination, Deputy Bowman testified that Cote, “explained that in the past he had done time in prison and when the accusation goes around that [you call] the police, it follows you.” (Id. at 39.) Counsel for Cote read a portion of Deputy Bowman’s report which stated that, “I asked Garrett why he didn’t call 911 today. Garrett said he was in fear of getting hurt and asked what we would do in that second.” (Id. at 39-40.) Deputy Bowman did not dispute the contents of the report and could not elaborate further on his impressions of Cote’s response to why he did not call 911. (Id. at 40.) Deputy Bowman confirmed that no shots had been fired and that Richardson never heard shots. (Id.) Deputy Bowman testified that after Richardson wrote a statement about the incident, Deputy Bowman noted that Richardson did not say anything about being in fear for his life. (Id. at 42.) Deputy Bowman had Richardson amend his statement to include a note about being in fear. (Id. at 42-43.)

After the evidence was presented, the trial court provided the following relevant instructions:

Third, the State must prove beyond a reasonable doubt that the defendant placed Stephen Richardson in fear of imminent bodily

injury with the use of a dangerous weapon. The term use of a dangerous weapon has a specific definition that we need to discuss. Use of a dangerous weapon is defined in our law as the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury. Serious bodily injury means bodily injury which creates a substantial risk of death, or which causes serious bodily disfigurement or loss or substantial impairment of the function of any bodily member or organ or extended convalescence necessary for the recovery of physical health.

At this point, ladies and gentlemen, I am going to move slightly away from these instructions, I will come back to them in a moment. In this case I am also going to give you an instruction about physical force in defense of a person. Our law provides, and this is not in the written instructions so please pay close attention, that a person is justified in using a reasonable degree of nondeadly force by the other person, and a person may use a degree of force that the person reasonably believes to be necessary for that purpose. However, that force is not justifiable if, with a purpose to cause physical harm to another person, the person provoked the use of unlawful nondeadly force by the other person, or the person was the initial aggressor, unless after such aggression the person withdraws from the encounter and effectively communicates to the other person the intent to do so, but the other person notwithstanding continues the use or threat of unlawful nondeadly force.

In the event that you conclude that the defendant was justified in using a reasonable degree of nondeadly force, you will consider that a defense unless the State negates the justification beyond a reasonable doubt. In other words, if you believe that the defendant was justified in using a reasonable degree of nondeadly force, it is up to the State to disprove that beyond a reasonable doubt.

So let me go back to my written instructions and let me summarize the law of Criminal Threatening with a Dangerous Weapon. First, if you conclude that the State has proven beyond a reasonable doubt that on or about the date charged, the defendant placed Stephen Richardson in fear of imminent physical pain, physical illness or impairment of

physical condition, and second, that at that time the defendant, Mr. Cote, either had the conscious object or actual intent to place Mr. Richardson in fear of imminent physical pain, physical illness or impairment of physical condition, or alternatively, the defendant was aware that it was practically certain that his conduct would place Mr. Richardson in fear of imminent physical pain, physical illness or impairment of physical condition, and that third at the time the defendant was using a dangerous weapon.

If the State has proven each of those separate facts beyond a reasonable doubt, your verdict on the charge of Criminal Threatening with a Dangerous Weapon would be guilty.

If the State has failed to prove any one of those facts beyond a reasonable doubt then your verdict on the charge of Criminal Threatening with a Dangerous Weapon would be not guilty. If, however, you conclude that the State has proven beyond a reasonable doubt that on or about the date charged the defendant placed Stephen Richardson in fear of imminent physical pain, physical illness or impairment of physical condition, second, that at the time the defendant either had the conscious object or actual intent to place Mr. Richardson in fear of imminent physical pain, physical illness or impairment of physical condition or alternatively, the defendant was aware that it was practically certain that his conduct would place Stephen Richardson in fear of imminent physical pain, physical illness or impairment of physical condition, but you conclude the State has failed to prove the defendant was using a dangerous weapon, then your verdict should be guilty of the lesser included offense of Criminal Threatening.

Bare in mind, when you are considering the evidence, you must also consider if you find that Mr. Richardson was justified in using nondeadly force, the State has the burden of disproving that again beyond a reasonable doubt.

(Tr. 78-82.) (Emphasis added.) After an hour of deliberations, the jury requested from the trial court a second reading of the self-defense instruction, to which the

court simply repeated the instruction previously given to the jury underlined above.
(Tr. 95.)

QUESTIONS PRESENTED

Should the trial court have declared a mistrial when Deputy Bowman testified that Cote told him that he had previously served time in prison?

Did the trial court err in failing to instruct the jury that: (1) a threat to use a gun without firing the gun is nondeadly force and (2) if the jury finds that the State did not disprove self-defense beyond a reasonable doubt, then Cote should be found not guilty?

Was the evidence insufficient to find that Cote committed the crime of Criminal Threatening with a Dangerous Weapon beyond a reasonable doubt?

ARGUMENT SUMMARY

This appeal relates to an unfortunate case of road rage. Stephen Richardson took it upon himself to address Garrett Cote's texting behind the wheel by running him off the road, using his commercial van Chevrolet Express to intimidate and scare Cote in his small Toyota passenger vehicle. The reaction by Cote was to engage in self-defense by displaying, but not firing, an air javelin. Richardson reacted by following Cote, calling the police and claiming shots fired (which was unquestionably false), all the while thinking he should have just beat Cote's ass himself (using his testimony). Richardson was not in fear. Deputy Andrew

Bowman had to prompt Richardson to make such an assertion to initiate a criminal prosecution.

The manner in which the trial progressed led to an unjust guilty verdict. Cote's prior time in prison was made known to the jury, tipping the credibility scales in the State's favor. The trial court didn't make the self-defense instruction clear. Despite the clear law, the trial court did not instruct the jury that Cote's use of the air javelin, even if it was a dangerous weapon, was considered nondeadly force. The instruction also failed to make clear that if the State fails to disprove self-defense beyond a reasonable doubt, then the jury was to return a verdict of not guilty. The jury was thus provided with an incomplete instruction that prevented Cote from availing himself of a genuine defense, tipping the scales further in the State's favor, unfairly so.

ARGUMENT

- I. The trial court erred by failing to declare a mistrial when law enforcement testified that Appellant told him that he had previously been incarcerated in prison.

Deputy Bowman testified that Cote told him that he previously served prison time. The reference to Cote's prior prison term tells the jury that Cote had previously committed a crime serious enough to warrant going to prison. The testimony was evidence of a prior crime, which is inadmissible. M.R. Evid. 404(b). The testimony was generated in response to a question from defense

counsel when Deputy Bowman questioned why Cote did not call 911. However, the question was based on counsel's understanding of Deputy Bowman's report, which stated in part that Cote did not call 911 because he did not believe that law enforcement could timely come to his defense against Richardson. The testimony of Cote's prior prison sentence was therefore not admissible for some other purpose. Defense counsel did not move for a mistrial, object to the testimony or seek a curative instruction. The trial court's determination of whether exposure to potentially prejudicial extraneous evidence would incurably taint the jury verdict or whether a curative instruction would adequately protect against consideration of the matter stands unless clearly erroneous. *State v. Bridges*, 2004 ME 102, ¶ 10, 854 A.2d 855 (quoting *State v. Ardolino*, 1997 ME 141, ¶ 18, 697 A.2d 73). Trial counsel's failure to object to the inadmissible evidence, whether as a result of tactical decision or oversight, will itself be a consideration in determining whether the error is obvious and highly prejudicial. *State v. Clark*, 2008 ME 136, ¶ 7, 954 A.2d 1066 (quoting *State v. True*, 438 A.2d 460, 468 (Me. 1981)).

Understanding the significant hurdle on review, Deputy Bowman's testimony was not just inadmissible, it was exceptionally prejudicial. Evidence of a prior crime is always prejudicial to a defendant. *United States v. Aldrich*, 169 F.3d 526, 528 (8th Cir. 1999) (quoting *United States v. James*, 555 F.2d 992, 1000 (D.C. Cir. 1977), *United States v. Phillips*, 401 F.2d 301, 305 (7th Cir. 1968)). It

diverts the attention of the jury from the question of the defendant's responsibility for the crime charged to the improper issue of his bad character. *Id.*; *see also United States v. Holloway*, 1 F.3d 307, 311 (5th Cir.1993) ("evidence of a prior conviction has long been the object of careful scrutiny and use at trial because of the inherent danger that a jury may convict a defendant because he is a 'bad person' instead of because the evidence proves him guilty"). As the Supreme Court has explained, such evidence weighs too much with the jury and overpersuades them as to prejudge one with a bad general record and deny him a fair opportunity to defend against a particular charge. *Aldrich*, 169 F.3d at 528 (quoting *Michelson v. United States*, 335 U.S. 469, 476, 69 S.Ct. 213 (1948)).

Moreover, so much of the State's case rode upon the testimony of a single witness, whose credibility on the critical issue of force was inherently suspect. *See True*, 438 A.2d at 469. Regardless of whether Cote was texting or swerving, Richardson was unquestionably the initial aggressor by driving close behind Cote with a larger vehicle and blaring his horn. Certainly, Richardson knew how to call the police. Perhaps a better time would have been to call when he saw Cote's supposed erratic driving. Richardson's testimony that he should have "stomped on the brakes" and "crammed" Cote "right up under the fucking back of [his] van" and then "beat" Cote's "ass" tells us a lot about Richardson's mindset. Telling the jury that Cote previously served prison time seriously compromised the jury's ability to

determine whether to believe Richardson beyond a reasonable doubt that, for example, he was truly in fear of imminent bodily injury or that Cote was acting in self-defense. Cote was thus deprived of a fair trial, and a mistrial should have been declared. *See id.*

II. The trial court erred in failing to instruct the jury that (1) a threat of deadly force constitutes nondeadly force when determining whether Appellant acted in self-defense, and (2) if the jury finds that the State did not disprove self-defense beyond a reasonable doubt, then Cote should be found not guilty.

The evidence generated at trial clearly established that Cote showed but did not fire an air javelin. This Court has consistently held that using a gun in a threatening manner without discharging the weapon constitutes nondeadly force. *State v. Cannell*, 2007 ME 30, ¶ 7, 916 A.2d 231 (2007) (citing *State v. Glassman*, 2001 ME 91, ¶ 11, 772 A.2d 863; *State v. Lord*, 617 A.2d 536, 537 (Me. 1992); *State v. Gilbert*, 473 A.2d 1273, 1276 (Me. 1984); *State v. Williams*, 433 A.2d 765, 768-69 (Me. 1981)). The trial court correctly instructed the jury on considering whether the use of nondeadly force can constitute self-defense. However, the instruction was undermined by the absence of any declaration that Cote's use of the air javelin was as a matter of law nondeadly force. Moreover, at no point in time does the trial court instruct the jury that if it finds that the State did not disprove self-defense beyond a reasonable doubt, then Cote must be found not guilty.

Where no party objects to an alleged error at trial, (i.e. to faulty criminal jury instructions) obvious errors or defects affecting substantial rights may still be addressed on appeal. *State v. Pabon*, 2011 ME 100, ¶ 18, 28 A.3d 1147. This Court has characterized obvious error as a seriously prejudicial error tending to produce manifest injustice. *Id.* (quoting *State v. Perry*, 2006 ME 76, ¶ 15, 899 A.2d 806. As it pertains to jury instructions, this Court’s review is holistic, taking into consideration the total effect created by all the instructions and the potential for juror misunderstanding. *State v. Saucier*, 2001 ME 107, ¶ 23, 776 A.2d 621 (quoting *State v. Cote*, 462 A.2d 487, 490 (Me. 1983)).

Looking at the instructions on the whole, the jury was instructed to determine whether Cote was committing the offense of Criminal Threatening with a Dangerous Weapon. The instruction on “use of a dangerous weapon” mirrored the law, defining it as use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury. 17-A M.R.S. § 2 (9). If the jury concludes that Cote used a dangerous weapon, there is a serious risk that they are left to believe that Cote engaged in deadly force. This precise pitfall befell a trial court judge in a bench trial in *State v. Cannell*. 2007 ME 30. In *Cannell*, the defendant displayed a gun in self-defense because the alleged victim and his family verbally threatened him on the day in

question and in the past and because he feared for his life. *Id.* at ¶ 3. The trial court evaluated the evidence to determine if Cannell was justified in using deadly force, as opposed to nondeadly force, which was found by this Court to be obvious and not harmless error. *Id.* at ¶ 10. In the instant matter, the trial court did correctly give the nondeadly force instruction, but the jury would only consider it if it was satisfied that Cote engaged in nondeadly force. The entire instruction on self-defense should have begun with: “Under the circumstances of this case, the threat of using the air javelin is considered nondeadly force.” Without this sentence, the jury may have thought, “Cote threatened Richardson through the use of a dangerous weapon. By definition, a dangerous weapon is capable of death or serious bodily injury. That is tantamount to deadly force. The instruction the Judge is reading to us refers to nondeadly force, so it does not apply.” This thought process was reinforced by the trial court’s written instruction that if the jury found the elements of Criminal Threatening with a Dangerous Weapon beyond a reasonable doubt, then the verdict would be guilty without an instruction that a finding that if the State did not disprove self-defense beyond a reasonable doubt, the jury must return a not guilty verdict. (Tr. 80-81, 95.) Even if the trial counsel did not request these added instructions, as this Court declared in *Cannell*, the misclassification of a threatened but not fired gun as deadly force is obvious and non-harmless error. The trial court failed to make it clear (as it is declared as a

matter of law) that Cote's force was nondeadly. Taken as a whole, the jury instructions affected Cote's substantial rights and produced a manifest injustice in the form of a conviction based on what a jury may otherwise have thought was an act of self-defense.

III. There was insufficient evidence to find that Appellant committed the crime of Criminal Threatening with a Dangerous Weapon beyond a reasonable doubt.

The Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. *In re Winship*, 397 U.S. 358, 364 (1970). No person shall be made to suffer the onus of a criminal conviction except upon sufficient evidence necessary to convince a fact-finder beyond a reasonable doubt of every element of the offense. *Jackson v. Virginia*, 443 U.S. 307, 316, 99 S.Ct. 2781 (1979). When someone has been convicted of a crime and subsequently challenges the sufficiency of the evidence on appeal, this Court considers whether, based on that evidence viewed in the light most favorable to the prosecution, any trier of fact rationally could find beyond a reasonable doubt every element of the offense charged. *State v. Barry*, 495 A.2d 825, 826 (Me. 1985). The foregoing standard articulated by this Court mirrors the minimal constitutional standard set forth by the United States Supreme Court in *Jackson v. Virginia*. 443 U.S. at 319. While the components of the *Jackson* standard may suggest a low hurdle for the State on

appeal, application of the *Jackson* standard cannot be read to uphold a conviction based on a mere modicum of evidence. *Id.* at 320. The purpose of appellate review for sufficiency of the evidence is to ensure that the due process command of *Winship* has been honored. *Id.*

Under the circumstances, and even taking the evidence in the light most favorable to the State, it wasn't rational to conclude beyond a reasonable doubt that Cote committed the offense of Criminal Threatening with a Dangerous Weapon. Richardson was the initial aggressor. He lied to dispatch about shots being fired three times over. Richardson demonstrated his angry (not fearful) mindset at trial on cross-examination when he testified about wishing he had beat Cote's ass. He unquestionably drove closely behind Cote with a large van and blared the horn. It was only then that Cote showed the air javelin. Richardson's response was to follow Cote and call the police. Deputy Bowman had to go out of his way to get Richardson to note on his written statement that he was in fear. It cannot be said beyond a reasonable doubt that Richardson was in fear of imminent bodily injury or that Cote was not acting in self-defense.

CONCLUSION

For the foregoing reasons, it is respectfully requested that this Court vacate Appellant's conviction.

Respectfully submitted,

Date: 12/21/23

/s/ Erik Crocker

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STATE OF MAINE
v.
GARRETT JOSEPH COTE, JR
151 MAIN ST APT 401
FAIRFIELD ME 04937

CRIMINAL DOCKET
SOMERSET, ss.
Docket No SOMCD-CR-2022-00713

DOCKET RECORD

DOB: 05/02/1999
Attorney: ERIK CROCKER
FARRELL ROSENBLATT & RUSSELL
PO BOX 738
BANGOR ME 04401-0738
APPOINTED 09/14/2023

State's Attorney: MAEGHAN MALONEY

Filing Document: CRIMINAL COMPLAINT
Filing Date: 06/29/2022

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

Charge (s)

1 CRIMINAL THREATENING W/ DANGEROUS WPN 05/08/2022 CANAAN
Seq 7975 17-A 209(1) Class C
BOWMAN / SOM

Docket Events:

07/01/2022 FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 06/29/2022

07/01/2022 Charge(s): 1
HEARING - INITIAL APPEARANCE SCHEDULED FOR 07/13/2022 at 08:30 a.m.

NOTICE TO PARTIES/COUNSEL

07/13/2022 Charge(s): 1
HEARING - INITIAL APPEARANCE HELD ON 07/13/2022
ANDREW BENSON , JUDGE
Attorney: PAUL CAVANAUGH
Defendant Present in Court

07/13/2022 Charge(s): 1
PLEA - NO ANSWER ENTERED BY DEFENDANT ON 07/13/2022

Defendant Present in Court

07/13/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 09/12/2022 at 08:30 a.m.

09/16/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 09/12/2022
ANDREW BENSON , JUDGE

09/16/2022 Charge(s): 1
MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 09/06/2022

09/16/2022 Charge(s): 1
MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 09/07/2022
ANDREW BENSON , JUDGE
COPY TO PARTIES/COUNSEL

09/16/2022 ORDER - ORDER APPOINTING COUNSEL ENTERED ON 09/07/2022
ANDREW BENSON , JUDGE
ORDER ON MOTION FOR APPT OF COUNSEL; ATTY ANGELA JENSEN

CR_200, Rev. 07/15

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Printed on: 09/20/2023

09/16/2022 Party(s): GARRETT JOSEPH COTE JR
ATTORNEY - APPOINTED ORDERED ON 09/07/2022

Attorney: ANGELA JENSEN

09/16/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 09/28/2022 at 09:00 a.m.

09/16/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ELECTRONICALLY ON 09/16/2022

09/28/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 09/28/2022
ANDREW BENSON , JUDGE
Defendant Present in Court

09/28/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 01/18/2023 at 09:00 a.m.

09/28/2022 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 09/28/2022

10/13/2022 Charge(s): 1
SUPPLEMENTAL FILING - INDICTMENT FILED ON 10/13/2022

10/13/2022 Charge(s): 1
HEARING - ARRAIGNMENT SCHEDULE OTHER COURT ON 11/08/2022 at 09:00 a.m.

SKOSC

10/13/2022 Charge(s): 1
HEARING - ARRAIGNMENT NOTICE SENT ON 10/13/2022

11/08/2022 Charge(s): 1
HEARING - ARRAIGNMENT HELD ON 11/08/2022
BRENT DAVIS , JUDGE
Attorney: ANGELA JENSEN
DA: CHRISTOPHER COLEMAN
Defendant Present in Court

DEFENDANT INFORMED OF CHARGES.

11/08/2022 Charge(s): 1
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 11/08/2022

11/08/2022 BAIL BOND - PR BAIL BOND SET BY COURT ON 11/08/2022
BRENT DAVIS , JUDGE
NO USE OR POSSESSION OF DANGEROUS WEAPONS OR FIREARMS R/S/T NO CONTACT WITH STEPHEN
RICHARDSON 3-2-63 R/E/E

11/08/2022 BAIL BOND - PR BAIL BOND COND RELEASE ISSUED ON 11/08/2022
BRENT DAVIS , JUDGE

11/08/2022 BAIL BOND - PR BAIL BOND FILED ON 11/08/2022

Date Bailed: 11/08/2022

01/19/2023 Charge(s): 1
HEARING - DISPOSITIONAL CONFERENCE HELD ON 01/18/2023
ANDREW BENSON , JUDGE

CR_200, Rev. 07/15

Attorney: ANGELA JENSEN
DA: JULIA LODSIN
Defendant Present in Court

01/19/2023 Charge(s): 1
TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 05/31/2023 at 09:30 a.m.

SKOSC

01/19/2023 Charge(s): 1
TRIAL - DOCKET CALL NOTICE SENT ON 01/19/2023

02/08/2023 BAIL BOND - PR BAIL BOND CONTINUED AS POSTED ON 02/08/2023

Date Bailed: 11/08/2022

06/02/2023 Charge(s): 1
TRIAL - DOCKET CALL HELD ON 05/31/2023
ROBERT E MULLEN , JUSTICE
Attorney: ANGELA JENSEN
DA: FRANCIS GRIFFIN
Defendant Present in Court.

06/02/2023 Charge(s): 1
TRIAL - JURY TRIAL SCHEDULE OTHER COURT ON 06/08/2023 at 08:30 a.m.

SKOSC

JURY SELECTION

06/02/2023 Charge(s): 1
TRIAL - JURY TRIAL NOTICE SENT ON 06/02/2023

06/02/2023 Charge(s): 1
TRIAL - JURY TRIAL SCHEDULE OTHER COURT ON 06/21/2023 at 08:30 a.m.

SKOSC

06/02/2023 Charge(s): 1
TRIAL - JURY TRIAL NOTICE SENT ON 06/02/2023

06/14/2023 Charge(s): 1
TRIAL - JURY TRIAL SELECTED ON 06/08/2023
ROBERT E MULLEN , JUSTICE

06/14/2023 Charge(s): 1
TRIAL - JURY TRIAL HELD ON 06/08/2023
ROBERT E MULLEN , JUSTICE

06/14/2023 OTHER FILING - WITNESS LIST FILED BY STATE ON 06/08/2023

DA: FRANCIS GRIFFIN

06/21/2023 Charge(s): 1
TRIAL - JURY TRIAL HELD ON 06/21/2023
ANDREW BENSON , JUDGE
Attorney: ANGELA JENSEN
DA: FRANCIS GRIFFIN Reporter: TAMMY DROUIN
Defendant Present in Court

06/21/2023 Charge(s): 1
VERDICT - GUILTY RETURNED ON 06/21/2023

06/21/2023 Charge(s): 1
FINDING - GUILTY ENTERED BY COURT ON 06/21/2023
CR_200, Rev. 07/15 Page 3 of 7

Printed on: 09/20/2023

ANDREW BENSON , JUDGE
06/21/2023 Charge(s) : 1
FINDING - GUILTY CONT FOR SENTENCING ON 06/21/2023
ANDREW BENSON , JUDGE
06/21/2023 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 06/21/2023

Date Bailed: 11/08/2022
06/21/2023 BAIL BOND - PR BAIL BOND RELEASE ACKNOWLEDGED ON 06/21/2023

Date Bailed: 11/08/2022
06/21/2023 Charge(s) : 1
HEARING - SENTENCE HEARING SCHEDULED FOR 07/24/2023 at 01:30 p.m.

06/21/2023 BAIL BOND - PR BAIL BOND SET BY COURT ON 06/21/2023
ANDREW BENSON , JUDGE
NO USE/POSS ILLEGAL DRUGS, DANGEROUS WEAPONS AND FIREARMS R/S/T NO CONTACT DIRECT/INDIRECT
WITH STEPHEN RICHARDSON 3-2-63 R/E/E
06/21/2023 BAIL BOND - PR BAIL BOND COND RELEASE ISSUED ON 06/21/2023

06/21/2023 BAIL BOND - PR BAIL BOND FILED ON 06/21/2023

Date Bailed: 06/21/2023
06/26/2023 Charge(s) : 1
HEARING - SENTENCE HEARING CONTINUED ON 06/26/2023

BY COURT DUE TO JUDGE AVAILABILITY
06/26/2023 Charge(s) : 1
HEARING - SENTENCE HEARING SCHEDULED FOR 07/19/2023 at 03:00 p.m.

06/26/2023 Charge(s) : 1
HEARING - SENTENCE HEARING NOTICE SENT ELECTRONICALLY ON 07/05/2023

06/30/2023 MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED BY COUNSEL ON 06/30/2023

Attorney: ANGELA JENSEN
07/05/2023 MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 07/05/2023
ANDREW BENSON , JUDGE
COPY TO PARTIES/COUNSEL
07/05/2023 Party(s) : GARRETT JOSEPH COTE JR
ATTORNEY - WITHDRAWN ORDERED ON 07/05/2023

Attorney: ANGELA JENSEN
07/05/2023 ORDER - ORDER APPOINTING COUNSEL ENTERED ON 07/05/2023
ANDREW BENSON , JUDGE
TOM TILTON
07/05/2023 Party(s) : GARRETT JOSEPH COTE JR
ATTORNEY - APPOINTED ORDERED ON 07/05/2023

Attorney: THOMAS TILTON
07/21/2023 MOTION - MOTION TO REVOKE BAIL FILED BY STATE ON 07/21/2023

DA: FRANCIS GRIFFIN
07/21/2023 Charge(s) : 1
CR_200, Rev. 07/15

HEARING - INITIAL APPEARANCE SCHEDULED FOR 07/21/2023 at 01:00 p.m.

NOTICE TO PARTIES/COUNSEL

MTRB

07/21/2023 Charge(s): 1

HEARING - INITIAL APPEARANCE HELD ON 07/21/2023

ANDREW BENSON , JUDGE

Attorney: ELIZABETH GRAY

DA: FRANCIS GRIFFIN

DENY

07/21/2023 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 07/21/2023

ANDREW BENSON , JUDGE

07/21/2023 BAIL BOND - NO BAIL ALLOWED COMMITMENT ISSUED ON 07/21/2023

ANDREW BENSON , JUDGE

07/25/2023 HEARING - MOTION TO REVOKE BAIL SCHEDULED FOR 08/08/2023 at 09:30 a.m.

NOTICE TO PARTIES/COUNSEL

08/02/2023 HEARING - MOTION TO REVOKE BAIL NOTICE SENT ELECTRONICALLY ON 08/02/2023

08/11/2023 HEARING - MOTION TO REVOKE BAIL CONTINUED ON 08/08/2023

ROBERT E MULLEN , JUSTICE

08/11/2023 HEARING - MOTION TO REVOKE BAIL SCHEDULED FOR 08/21/2023 at 10:30 a.m.

NOTICE TO PARTIES/COUNSEL

08/11/2023 HEARING - MOTION TO REVOKE BAIL NOTICE SENT ON 08/11/2023

08/11/2023 Charge(s): 1

HEARING - SENTENCE HEARING CONTINUED ON 07/19/2023

08/11/2023 Charge(s): 1

HEARING - SENTENCE HEARING SCHEDULED FOR 08/21/2023 at 10:30 a.m.

08/11/2023 Charge(s): 1

HEARING - SENTENCE HEARING NOTICE SENT ON 08/11/2023

08/21/2023 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 08/21/2023

Date Bailed: 06/21/2023

08/21/2023 BAIL BOND - PR BAIL BOND RELEASE ACKNOWLEDGED ON 08/21/2023

Date Bailed: 06/21/2023

08/21/2023 MOTION - MOTION TO REVOKE BAIL MOOT ON 08/21/2023

ANDREW BENSON , JUDGE

08/21/2023 HEARING - MOTION TO REVOKE BAIL NOT HELD ON 08/21/2023

08/21/2023 Charge(s): 1

HEARING - SENTENCE HEARING HELD ON 08/21/2023

ANDREW BENSON , JUDGE

Attorney: THOMAS TILTON

DA: FRANCIS GRIFFIN

08/22/2023 Charge(s): 1

RULING - ORIGINAL ORDERED ON 08/21/2023

ANDREW BENSON , JUDGE

It is adjudged that the defendant is guilty of 1 CRIMINAL THREATENING W/ DANGEROUS WPN 17-A

CR_200, Rev. 07/15

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Printed on: 09/20/2023

209(1) Class C as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 3 year(s).

\$ 35 VICTIMS COMPENSATION FUND
\$ 10 VICTIMS PROPERTY COMP FUND
TOTAL DUE:\$ 45.00.

08/22/2023 Charge(s): 1

RULING - ORIGINAL ISSUED ON 08/21/2023
ANDREW BENSON , JUDGE
DEFENDANT ACKNOWLEDGES RECEIPT

08/22/2023 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 08/22/2023

INSTALLMENT PYMTS: 0;DAILY: F;WEEKLY: F;BI-WEEKLY: F;MONTHLY: F;BI-MONTHLY: F;PYMT BEGIN:
AT 0;PYMT IN FULL: 20260803 AT 1300;THRU PPO: F;PYMT DUE AMT: 45;PMT DUE: 20260803 AT
1300;OTHER:

08/22/2023 Charge(s): 1

RULING - ORIGINAL CORRECTED ON 08/21/2023
ANDREW BENSON , JUDGE
TO FIX A CLERICAL ERROR ON THE WRITTEN JUDGMENT

08/25/2023 Charge(s): 1

APPEAL - NOTICE OF APPEAL FILED ON 08/24/2023

Attorney: THOMAS TILTON
SCANNED TO ALL PARTIES, OTP/DROUIN, AND LAW COURT

08/25/2023 Charge(s): 1

APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 08/25/2023

08/25/2023 Charge(s): 1

APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 08/25/2023

08/25/2023 ORDER - TRANSCRIPT ORDER ENTERED ON 08/25/2023

Attorney: THOMAS TILTON
FORWARDED TO OTP AND TAMMY DROUIN

08/25/2023 MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 08/24/2023

Attorney: THOMAS TILTON

08/25/2023 Charge(s): 1

APPEAL - APPLICATION ALLOW SENT APPEAL FILED ON 08/24/2023

Attorney: THOMAS TILTON
FORWARDED TO PARTIES, OTP/DROUIN AND LAW COURT

08/25/2023 MOTION - MOTION TO PREPARE TRANSCRIPT GRANTED ON 08/25/2023

ANDREW BENSON , JUDGE

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

TRANSCRIPT REQUEST FROM STATE. FORWARDED TO LAW COURT, OTP AND TAMMY DROUIN

09/20/2023 Party(s): GARRETT JOSEPH COTE JR

ATTORNEY - WITHDRAWN ORDERED ON 09/14/2023

Attorney: THOMAS TILTON

09/20/2023 Party(s): GARRETT JOSEPH COTE JR
ATTORNEY - APPOINTED ORDERED ON 09/14/2023

Attorney: ERIK CROCKER
09/20/2023 ORDER - ORDER APPOINTING COUNSEL ENTERED ON 09/14/2023
ANDREW BENSON , JUDGE

FINE PAYMENT SCHEDULE

Execution/payment stayed to pay in full by 08/03/2026 or warrant to issue.

A TRUE COPY

ATTEST: _____
Clerk

STATE OF MAINE
SOMERSET, ss

UNIFIED CRIMINAL DOCKET
LOCATION: SKOWHEGAN
DOCKET NO: SOMCD-CR-2022-00713

STATE OF MAINE

INDICTMENT

v.

GARRETT COTE

DOB: 05/02/1999

SIN: ME0306912

1548 Hill Road

Canaan, ME

G: Male Ht: 5' 05" Wt: 140 H: Brown

E: Brown R: White

**COUNT 1: CRIMINAL THREATENING WITH A
DANGEROUS WEAPON**

THE GRAND JURY CHARGES:

COUNT 1:

17-A M.R.S. §209(1), 1604(5)(A)

Seq No: 631WU

**CRIMINAL THREATENING WITH A
DANGEROUS WEAPON**

CLASS C

ATNCTN 438376B001

On or about May 08, 2022, in Canaan, Somerset County, Maine, **GARRETT COTE**, did intentionally or knowingly place Stephen B. Richardson in fear of imminent bodily injury with the use of a dangerous weapon, an air javelin.

DATED: 10/13/22

A TRUE BILL

BRIAN J. KRAMPERT
FOREPERSON

OFFICER: Andrew Bowman

DEPT: Somerset Cty Sheriff's Dept.

PROS: Francis J. Griffin JW#: 22-3203

1 that the State has met its burden.

2 So I put to you, I am grateful for you to
3 be here today, you guys are doing the duty that
4 is Constitutionally protecting all of our
5 rights, thank you, but I am certain that you
6 will find that my client is not guilty of
7 Threatening with a Dangerous weapon.

8 Thank you.

9 THE COURT: Brief rebuttal, Mr. Griffin?

10 MR. GRIFFIN: Thank you, Your Honor.

11 So let's talk about the victim's
12 statement.

13 Remember those elements we talked about
14 about two hours ago, the elements of the crime.
15 One of the elements that's required is fear,
16 imminent fear. Like Deputy Bowman testified on
17 redirect, it is part of a police officer's job
18 to investigate crimes. If there is something
19 missing, they have to investigate it, and how do
20 they do that? They ask questions. They don't
21 say, this is what you need to write, here write
22 it. Deputy Bowman testified that he
23 told -- that the victim said to him that he was
24 in fear, so what did Deputy Bowman do, he said,
25 okay write that down. Make a complete

1 statement. That's all that was.

2 And the false statement, this shots fired
3 thing. This is a 45 second interaction, maybe a
4 minute. You heard that 911 call. You can tell
5 just by your own experiences that the tenor of
6 someone's voice, the way they are talking, you
7 can tell how they feel, the defendant was
8 clearly agitated, in his word, in fear of my
9 life and of my son. That call, he didn't know
10 if they were shooting, they might have been,
11 that's what he said, that he didn't know if they
12 were shooting or not, he wanted help. If they
13 were shooting at him, if the defendant was
14 shooting at him, what he was saying to law
15 enforcement is, come help me, get somebody on
16 the way right now to help me, because if he is
17 shooting at me I want someone here to help
18 protect me and my son. The best evidence of
19 that fear is that call.

20 The second best evidence of that fear is
21 that statement.

22 The third best evidence of that fear is
23 his testimony. The defendant didn't maintain
24 that he was being shot at. When he initially
25 spoke to law enforcement they quickly

1 determined -- Attorney Jensen got this out of
2 Deputy Bowman. They quickly determined no shots
3 were fired. This was not a concocted story that
4 Mr. Richardson came up with and Insisted shots
5 were fired. He was fired up in the moment
6 because he was afraid.

7 Again, ladies and gentlemen, I want to
8 thank you for your time and your attention.

9 THE COURT: Thank you very much,
10 Mr. Griffin.

11 Ladies and gentlemen of the jury, you
12 have now reached the final stage of the trial
13 and you are about to retire to the jury room to
14 begin your deliberations.

15 Your evaluation and analysis of the
16 evidence that has been presented to you will
17 lead you towards your determination of the facts
18 of the case, you will then apply those facts to
19 the law as I am about to explain it to you, and
20 when you have completed that process, you will
21 reach your verdict which you will then report to
22 the Court.

23 At the outset, a couple of brief
24 reminders. Remember that the evidence does not
25 consist of what he the attorneys say in either

1 of their openings or in their closings. The
2 evidence solely consists of the sworn testimony
3 from the witness stand and of any exhibits that
4 were introduced during the trial. So anything
5 either of the attorneys stated in their openings
6 or closings that is not consistent with that,
7 you have a duty to disregard.

8 I am going to give you a series of
9 instructions, you should regard them as being of
10 equal importance regardless of where they fall.
11 No one instruction is more important than any
12 other, and they must all be considered in the
13 entirety of the instructions that I am giving to
14 you.

15 To decide the facts of the case, you have
16 to analyze the evidence. Before I tell you how
17 you might approach that responsibility, let me
18 remind you of some things that are not evidence.

19 As I mentioned a moment ago, please
20 remember that neither the opening statements nor
21 the closing argument of the attorneys are
22 evidence in this case. As advocates the
23 attorneys are allowed to discuss the evidence
24 with you to suggest various inferences or
25 conclusions that you might draw from the

1 evidence. You can find it helpful to look at
2 the evidence from any number of different points
3 of view. While the statements and arguments of
4 counsel are helpful to understanding their
5 respective perspectives on the case, it is
6 important to remember that ultimately it is your
7 recollection of the evidence and the perspective
8 that you develop during deliberations that
9 counts.

10 Similarly, the lawyers are allowed to
11 discuss the law of the case with you to help you
12 understand their points of view. However, if
13 your recollection of the evidence differs from
14 theirs, it is your recollection of the evidence
15 that should govern your deliberations. If their
16 explanations of the law differs from the one
17 that I give to you, it is the explanation of the
18 of law that I give you that also governs your
19 deliberations.

20 Additionally, if there was an objection
21 made by a lawyer and I sustained that objection,
22 you shouldn't speculate or try to guess what the
23 answer might have been. Neither the question
24 nor the unknown answer is part of the evidence
25 in the case. If an answer was given and I told

1 you to disregard the response, you must do so
2 and you shouldn't give that response any weight
3 in your deliberations whatsoever. Similarly,
4 you should give no consideration to the fact
5 that objections were made. The lawyers have an
6 obligation to assist me in making sure the trial
7 conforms to our law and they fulfill that
8 obligation by making an objection when they feel
9 something is taking us outside of the rules.

10 Remember that the indictment that the
11 clerk read to you at the beginning of the case
12 is not evidence. That piece of paper is simply
13 the mechanism that sets the trial process in
14 motion and helps to frame the question that you
15 must answer.

16 So what is the evidence? Very simply,
17 the evidence is the sworn testimony of the
18 witnesses and the exhibits that have been
19 admitted into evidence which you will take with
20 you into the jury room. The evidence also
21 consists of inferences that you may draw from
22 other proven facts, therefore, in addition to
23 the bare assertions of the witnesses in their
24 testimony, if you find that certain facts have
25 been proven beyond a reasonable doubt, your

1 collective common sense and experience may lead
2 you to draw certain reasonable inferences of
3 fact from those proven facts.

4 For example, if there were no snow in
5 your driveway when you went to bed at night, but
6 there was snow in your driveway in the morning,
7 you could fairly infer that it had snowed during
8 the night even though you might not have seen it
9 snow. If there were tire tracks in the snow in
10 your driveway, you might also infer that someone
11 had driven a car into your driveway during the
12 night even though you may not have seen the car.
13 On the basis, however, of those limited
14 hypothetical facts, it would not be reasonable
15 to infer who might have been in the car. The
16 point is that reasonable inferences drawn from
17 facts proven beyond a reasonable doubt are also
18 part of the evidence in this case.

19 A reasonable inference is simply another
20 term for circumstantial evidence. Direct
21 evidence consists of observations people make
22 with their eyes, ears and other senses.
23 Circumstantial evidence consists of the
24 reasonable conclusions that you can make after
25 studying other facts. The law doesn't

1 differentiate between circumstantial evidence
2 and direct evidence. There is good direct
3 evidence and bad direct evidence. There is good
4 circumstantial evidence and there is bad
5 circumstantial evidence. A verdict can be based
6 both on direct evidence, and on circumstantial
7 evidence, or on a combination of both.
8 Ultimately what matters is that there is
9 sufficient evidence, whether circumstantial or
10 direct, to lead you to your determination of
11 whether the State has met its burden of proving
12 the charge against the defendant beyond a
13 reasonable doubt.

14 Now, one of the most important things
15 that jurors have to do in any case is to
16 determine the credibility, or the believability
17 of the witnesses. You do that by using the
18 common sense that each of you brings to your
19 jury service from your twelve various life
20 experiences.

21 There are some approaches or
22 considerations you can make in doing this. I
23 don't want to limit you in any way, but I will
24 suggest a few things you may want to take into
25 account as you evaluate the testimony of the

1 witnesses.

2 You may want to consider the witness's

3 age, experience, intelligence. You may want to

4 think about the way in which the witness

5 testified on the stand and evaluate whether the

6 witness was forthright or evasive. You can

7 consider simply whether the witness's testimony

8 made sense. You may want to consider how well

9 the witness explained any prior inconsistent

10 statement, if you first find as a fact that a

11 witness has made a prior inconsistent statement.

12 You may consider whether there was a prior

13 statement in deciding the weight to be given to

14 the in-Court testimony of the witness and

15 whether or not to believe the witness. You

16 should bare in mind that the prior statement

17 might also be used to prove facts which are in

18 evidence. You can consider whether a witness's

19 testimony was corroborated or contradicted by

20 other testimony or by exhibits. You may

21 consider how well the witness has remembered

22 what took place and how good an opportunity the

23 witness had to make the observations that he or

24 she says were made. You can also consider

25 whether there has been any evidence of a motive

1 or lack of motive for a witness to exaggerate or

2 to lie. Finally, you can consider what

3 interest, if any, each witness may have in the

4 outcome of the case.

5 You may want to keep in mind that

6 inconsistencies or discrepancies in the

7 testimony of a witness or between the testimony

8 of more than one witness may or may not cause

9 you to question that testimony. Two or more

10 witnesses witnessing an incident or transaction

11 might see or hear it differently. An innocent

12 misrecollection, like failure of recollection,

13 sometimes happens. In weighing of effect of any

14 discrepancy, always consider whether it relates

15 to an important issue or an unimportant detail,

16 and whether the discrepancy results from

17 innocent error or intentional falsehood.

18 Now, that's not a complete list of tests

19 that you can use, but it is the type of process

20 that you may go through in deciding how much

21 credibility to assign to the testimony of each

22 witness.

23 You may decide that you want to believe

24 everything that a particular witness said. You

25 may decide that you don't want to believe

1 anything that a particular witness said. You

2 may choose to believe some aspects of a

3 witness's testimony and reject the remaining

4 aspects of that witness's testimony, it is

5 entirely up to you.

6 The case is not decided according to the

7 number of witnesses. The testimony of a single

8 witness is sufficient to prove any fact that

9 would justify a verdict in accordance with that

10 testimony even if a number of witnesses

11 testified to the contrary, if after

12 consideration of all of the evidence, you

13 believe that the single witness is more accurate

14 or truthful. Ultimately, in addition to

15 deciding what evidence is credible, you have to

16 decide whether there is sufficient evidence,

17 meaning enough evidence, to satisfy you that the

18 State has proven the charge against the

19 defendant beyond a reasonable doubt.

20 Now, what does reasonable doubt mean?

21 Note that the term is reasonable doubt. The

22 State is not required to prove guilt beyond any

23 doubt, or to prove guilt to a mathematical

24 certainty. The reason the State isn't required

25 to meet either of those two tests is that those

1 two tests are almost always impossible to meet.

2 A reasonable doubt is one based on reason

3 and thought, it is not a frivolous or whimsical

4 doubt, but a doubt that a person of sound

5 judgment, after carefully weighing all of the

6 evidence, would entertain as to the guilt of the

7 accused. To put it another way, proof beyond a

8 reasonable doubt is proof of guilt sufficient to

9 convince you, the jury, that the charge is

10 almost certainly true. In determining whether

11 any fact has been proven beyond a reasonable

12 doubt, you may consider the testimony of all of

13 the witnesses and all of the exhibits received

14 in evidence regardless of who may have produced

15 them.

16 Bare in mind also that a defendant in a

17 criminal case is favored throughout the trial

18 with the presumption of innocence. That means

19 that each defendant, although accused, begins

20 the trial with a clean slate and with no

21 evidence against him. That presumption of

22 innocence stays with the defendant all the way

23 through the trial, right into the jury room with

24 you, up to the point, if you get to that point,

25 where you are satisfied beyond a reasonable

1 doubt that the defendant is guilty. If you do
2 not reach that point, if you are not satisfied
3 beyond a reasonable doubt that the defendant is
4 guilty, then the presumption of innocence still
5 exists and it requires you to return a verdict
6 of not guilty.

7 One last thing before I get to the
8 specific law of Criminal Threatening with a
9 Dangerous Weapon. I want to remind you that the
10 burden of proof in this case is entirely upon
11 the State. The defendant doesn't have to prove
12 anything, the defendant doesn't have to produce
13 any evidence, he or she does not have to call
14 any witnesses or testify.

15 Bare in mind also as you consider the
16 evidence as it relates to the defendant's state
17 of mind, intent or mental state ordinarily
18 cannot be proven directly because there is
19 rarely direct evidence of the operation of the
20 human mind. You may infer a person's intent or
21 state of mind from the surrounding
22 circumstances. You can consider any statement
23 made or any act done or omitted by the person
24 and all other facts in evidence that indicate
25 state of mind. You may consider it reasonable

1 to infer and to find that a person intends the
2 natural and probable consequence of acts
3 knowingly done or knowingly omitted. As I said
4 earlier, it is entirely up to you to decide what
5 facts to find from the evidence.

6 At this point I am going to ask the jury
7 officer to pass out some written instructions to
8 you. I will have you follow along as I give you
9 further instructions about the specific law of
10 Criminal Threatening with a Dangerous Weapon.

11 The first page and-a-half or so deal
12 again with the burden of proof, proof beyond a
13 reasonable doubt and the presumption of
14 innocence. I will have you turn to about the
15 middle of page two where the caption says,
16 Section 209 Section 1252 Subsection 4 Criminal
17 Threatening with a Dangerous Weapon.

18 The defendant in this case is charged
19 with the offense of Criminal Threatening with a
20 Dangerous Weapon. The law in Maine provides
21 that a person is guilty of Criminal Threatening
22 with a Dangerous weapon if he intentionally or
23 knowingly places another person in fear of
24 imminent bodily injury with the use of a
25 dangerous weapon.

1 So, in order for the State to prove that
2 the defendant has committed Criminal Threatening
3 with a Dangerous Weapon the State must convince
4 you beyond a reasonable doubt of each of the
5 following facts:

6 First, it must prove beyond a reasonable
7 doubt that on or about May 8, 2022, in Canaan,
8 the defendant, Mr. Cote, placed Stephen
9 Richardson in fear of imminent bodily injury.
10 The term bodily injury has a specific definition
11 that we need to discuss.

12 Bodily injury is defined in our law as
13 physical pain, or physical illness, or any
14 impairment of physical condition. So the State
15 must prove beyond a reasonable doubt that the
16 defendant placed Stephen Richardson in fear of
17 imminent physical pain or physical illness or
18 impairment of physical condition.

19 Second, the State must prove beyond a
20 reasonable doubt that the defendant placed
21 Stephen Richardson in fear of imminent bodily
22 injury, as we have just defined that term,
23 either intentionally or knowingly. The State
24 doesn't have to prove both of those mental
25 states, it can be one or the other alternative.

1 So, let's define intentionally and knowingly.

2 Under the intentional alternative, our
3 law says that a person places another in fear of
4 imminent bodily injury intentionally if it is
5 his conscious object or actual intent to place
6 the other person in fear of imminent physical
7 pain or physical illness or impairment of
8 physical condition.

9 Under the knowing alternative, our law
10 says that a person places another in fear of
11 imminent bodily injury knowingly if he is aware
12 that it is practically certain that his conduct
13 will place the other person in fear of physical
14 pain or physical injury or impairment of
15 physical condition.

16 Third, the State must prove beyond a
17 reasonable doubt that the defendant placed
18 Stephen Richardson in fear of imminent bodily
19 injury with the use of a dangerous weapon. The
20 term use of a dangerous weapon has a specific
21 definition that we need to discuss. Use of a
22 dangerous weapon is defined in our law as the
23 use of a firearm or other weapon, device,
24 instrument, material or substance, whether
25 animate or inanimate, which, in the manner it is

1 used or threatened to be used is capable of
2 producing death or serious bodily injury.
3 Serious bodily injury means bodily injury which
4 creates a substantial risk of death, or which
5 causes serious bodily disfigurement or loss or
6 substantial impairment of the function of any
7 bodily member or organ or extended convalescence
8 necessary for the recovery of physical health.

9 At this point, ladies and gentlemen, I am
10 going to move slightly away from these
11 instructions, I will come back to them in a
12 moment.

13 In this case I am also going to give you
14 an instruction about physical force in defense
15 of a person. Our law provides, and this is not
16 in the written instructions so please pay close
17 attention, that a person is justified in using a
18 reasonable degree of nondeadly force against
19 another person in order to defend himself or a
20 third person from what the person reasonably
21 believes to be the imminent use of unlawful
22 nondeadly force by the other person, and a
23 person may use a degree of force that the person
24 reasonably believes to be necessary for that
25 purpose. However, that force is not justifiable

1 If, with a purpose to cause physical harm to
2 another person, the person provoked the use of
3 unlawful nondeadly force by the other person, or
4 the person was the initial aggressor, unless
5 after such aggression the person withdraws from
6 the encounter and effectively communicates to
7 the other person the intent to do so, but the
8 other person notwithstanding continues the use
9 or threat of unlawful nondeadly force.

10 In the event that you conclude that the
11 defendant was justified in using a reasonable
12 degree of nondeadly force, you will consider
13 that a defense unless the State negates the
14 justification beyond a reasonable doubt. In
15 other words, if you believe that the defendant
16 was justified in using a reasonable degree of
17 nondeadly force, it is up to the State to
18 disprove that beyond a reasonable doubt.

19 So let me go back to my written
20 instructions and let me summarize the law of
21 Criminal Threatening with a Dangerous Weapon.
22 First, if you conclude that the State has proven
23 beyond a reasonable doubt that on or about the
24 date charged, the defendant placed
25 Stephen Richardson in fear of imminent physical

1 pain, physical illness or impairment of physical
2 condition, and second, that at that time the
3 defendant, Mr. Cote, either had the conscious
4 object or actual intent to place Mr. Richardson
5 in fear of imminent physical pain, physical
6 illness or impairment of physical condition, or
7 alternatively, the defendant was aware that it
8 was practically certain that his conduct would
9 place Mr. Richardson in fear of imminent
10 physical pain, physical illness or impairment of
11 physical condition, and that third, at the time
12 the defendant was using a dangerous weapon.

13 If the State has proven each of those
14 separate facts beyond a reasonable doubt, your
15 verdict on the charge of Criminal Threatening
16 with a Dangerous Weapon would be guilty.
17 If the State has failed to prove any one
18 of those facts beyond a reasonable doubt then
19 your verdict on the charge of Criminal
20 Threatening with a Dangerous Weapon would be not
21 guilty.

22 If, however, you conclude that the State
23 has proven beyond a reasonable doubt that on or
24 about the date charged the defendant placed
25 Stephen Richardson in fear of imminent physical

1 pain, physical illness or impairment of physical
2 condition, second, that at the time the
3 defendant either had the conscious object or
4 actual intent to place Mr. Richardson in fear of
5 imminent physical, pain physical illness or
6 impairment of physical condition, or
7 alternatively, the defendant was aware that it
8 was practically certain that his conduct would
9 place Stephen Richardson in fear of imminent
10 physical pain, physical illness or impairment of
11 physical condition, but you conclude the State
12 has failed to prove the defendant was using a
13 dangerous weapon, then your verdict should be
14 guilty of the lesser included offense of
15 Criminal Threatening.

16 Bare in mind, when you are considering
17 the evidence, you must also consider if you find
18 that Mr. Richardson was justified in using
19 nondeadly force, the State has the burden of
20 disproving that again beyond a reasonable doubt.

21 When you report your verdict the clerk
22 will ask you two questions something like this.
23 What say you mad, Madame Foreman, do you find
24 the defendant not guilty or guilty of the
25 offense of Criminal Threatening with a Dangerous

1 Weapon? If you say guilty, that will be the end
2 of the inquiry. If, however, you say not
3 guilty, she will then inquire, do you find the
4 defendant not guilty or guilty of the lesser
5 included offense of Criminal Threatening? You
6 will either answer not guilty or guilty and that
7 will be the end of the inquiry.

8 So, if I can have you just put those down
9 for a moment, I will go back to my general
10 instructions.

11 Bare in mind that you can't allow
12 your emotions or any feelings of prejudice or
13 sympathy that you might have developed during
14 the trial to play any part in your verdict, nor
15 can you give any consideration to the matters or
16 gender, race or age. You have a duty to be
17 businesslike, in as businesslike and as
18 analytical a way as possible, you decide
19 credibility and the facts. You apply those
20 facts to the law as I have given it to you then
21 you come out and report your verdict. If you do
22 all of that in a businesslike, analytical way,
23 then you will be doing justice, and that's what
24 everyone in the Courtroom wants.

25 In your deliberations, please focus

1 solely on deciding the facts from the evidence
2 in according with the instructions that I am
3 giving you. You must not consider or be
4 concerned about the possible consequences of any
5 verdict that you might reach.

6 I also want to tell you that when you are
7 trying to determine the questions of credibility
8 and the facts, don't look to me for help, in
9 other words don't say, well, the judge increased
10 the volume of his voice at this point in his
11 instructions, or his voice lowered at this
12 point, or he made a long pause at this point so
13 he is trying to give us some sort of signal, he
14 is trying to tell us whom he believes. I assure
15 you that's simply not the case. You are the
16 sole judges of the facts, and I respect your
17 role in these proceedings completely, deciding
18 the facts is your job and your job alone.

19 Whatever determination you make regarding
20 witness credibility and whatever determinations
21 you make regarding the facts of the case are
22 binding upon me and I absolutely accept them.
23 Just as I have no right to invade your province,
24 you should not invade mine. I am the Judge of
25 the law in the case and you have to take the law

1 as I give it to you whether you agree with it or
2 not. I get the law from the State Legislature
3 and from the Maine State Supreme Court and I
4 have to give it as I get it from them whether I
5 like it or not. Each of us, you as jurors, I as
6 a Judge have taken an oath to act in accordance
7 with those principles and I know that you will
8 take your oath as seriously as I take mine.

9 Now you are about to enter the jury room
10 to begin your deliberations. In order to return
11 a verdict of either guilty or not guilty, you
12 must all agree. That is, whatever your verdict
13 is, it has to be unanimous. You must each
14 decide the case for yourself, but only after
15 consulting with each other and listening
16 carefully and impartially to the arguments of
17 your fellow jurors. You should deliberate with
18 a view to reaching agreement if you can do that
19 without violating your individual judgment. You
20 shouldn't hesitate to change your mind if the
21 arguments of your fellow jurors convince you
22 your that initial analysis or your initial
23 conclusions were wrong.

24 On the other hand, you have to decide the
25 case for yourself, you shouldn't give up a

1 well-reasoned belief simply because you stand
2 alone or because you want to end the case and go
3 home.

4 Don't worry about how much time it takes
5 to reach a verdict. Some verdicts can be
6 returned quickly, others take a great deal of
7 time, hours or even days, it really all depends
8 on how complex you find the case to be. My only
9 point is to impress upon you that there is no
10 magic formula as to how long you should be in
11 the jury room.

12 At this point I have to meet with the
13 lawyers very, very briefly to discuss any
14 further instructions, so I will meet with the
15 lawyers at sidebar.

16 (THE FOLLOWING PROCEEDINGS TOOK PLACE AT
17 SIDEBAR OUT OF THE PRESENCE OF THE JURY.)

18 THE COURT: Mr. Griffin, any objections
19 or corrections to the instructions?

20 MR. GRIFFIN: No, Your Honor.

21 THE COURT: Any objections or
22 corrections, Ms. Jensen?

23 MS. JENSEN: No, Your Honor.

24 THE COURT: Thank you.

25 (THE FOLLOWING PROCEEDINGS TOOK PLACE IN

1 FRONT OF THE JURY.)

2 THE COURT: At this point it is my duty
3 to release the two alternate jurors. I think we
4 had originally three alternates but I am going
5 to release two of them, and that would be Juror
6 Number, I believe, Juror Number 8, as well as
7 Juror Number 138. I don't whether you are
8 disappointed because you are not going to be
9 able to finish out the deliberations in the
10 trial or if you are relieved. It is important
11 for alternates to be here for the initial part
12 of the trial anyway to insure that the defendant
13 is entitled to have a jury of twelve, and we
14 appreciate your role regardless of whether you
15 had an opportunity to take part in the
16 deliberations.

17 So I will let you excuse yourself, then I
18 will have some further instructions for the
19 remainder of the jury panel.

20 I am sorry, it is Juror Number 144,
21 ma'am, I am sorry.

22 It is 138 and 144. Thank you both.
23 (The alternates were excused.)

24 THE COURT: Madame Foreman, in a few
25 minutes you are going to go into the jury room

1 with the other jurors to begin deliberations in
2 this case, and as the foreman, you are going to
3 have the responsibility of conducting the
4 deliberations of the jury. Your vote counts the
5 same as everyone else's vote, no more, no less,
6 but I am asking you to take the lead in seeing
7 that the deliberations are conducted in the
8 businesslike manner that I discussed with you
9 earlier.

10 Consider that there is no obligation on
11 the part of any juror to say anything at all if
12 he or she doesn't want to. On the other hand,
13 every juror who wants to speak has the right to
14 be completely and fully heard. It is your job
15 to make sure that they get that opportunity. It
16 is also your job to make sure that the jurors
17 speak one at a time, and it is your job to
18 decide when to vote and I would hope that you
19 would listen to the recommendations of your
20 fellow jurors in that regard. When it is time
21 to vote you need to make sure that every juror
22 does vote regardless of the extent to which they
23 have participated in the discussions.

24 Consider that if in the course of your
25 deliberations the jurors can't agree on what a

1 certain witness said, and this is different than
2 just disagreeing on the meaning of what the
3 witness said, and the jurors think it is
4 important to be clear on that point, the jury
5 does have the right to have that portion of the
6 testimony read back to them. If that happens,
7 please write a note describing as precisely as
8 you can, what particular portion of the
9 testimony you want read back, let the jury
10 officer know that you have a question, knock on
11 the door, give your note to the jury officer, he
12 will give it to me and I will review it with the
13 lawyers and we will get you a response.

14 Similarly, if you find that any member of
15 the jury has a questions about the law as I have
16 given it to you, write your question down on a
17 note, knock for the jury officer and we will
18 address your question about the law.

19 When you have a unanimous verdict, just
20 knock on the jury room door and tell the jury
21 officer that you have a verdict. Don't tell the
22 jury officer what the verdict is, just say you
23 have a verdict, the jury officer will come and
24 get me, I will get everyone else who is
25 interested in the case, and we will meet back

1 here in the Courtroom. The jury officer will
2 escort you into the Courtroom and everyone
3 except you will be seated, and you will remain
4 standing and the clerk of the court will inquire
5 whether you have reached a verdict, and there it
6 be perhaps a two-part or a one-part inquiry such
7 as I have discussed earlier. You will tell her
8 yes, you have reached a verdict, and she will
9 ask you what your verdict is for the crime
10 charged and you will answer simply not guilty or
11 guilty.

12 At this point, ladies and gentlemen, I
13 will ask the jury officer to escort you to the
14 jury room and you can begin your deliberations.

15 Thank you.
16 (The jury retired to begin their
17 deliberations at 11:18 a.m.)

18 THE COURT: Everyone may be seated for
19 just a moment.

20 Mr. Griffin, Ms. Jensen, it would be my
21 intent to not send the air javelin in initially
22 with the other exhibits. If they wanted to see
23 it, I would have the jury officer take it in. I
24 assume it is not loaded with any kind of a
25 bullet or --

1 MR. GRIFFIN: It is safe, Your Honor,
2 that's actually why I submitted State's 1 so
3 they could have a photograph.

4 THE COURT: I don't plan to send that in
5 to the jury room. You folks can review the
6 other exhibits, I think there were only a couple
7 of other exhibits.

8 MS. JENSEN: Yes.

9 MR. GRIFFIN: Yes, Your Honor.

10 MS. JENSEN: As far as the audio 911, it
11 is just on the disc they are not going to have
12 access.

13 THE COURT: So if they want to listen to
14 it they can, we don't need to send the disc in.

15 MS. JENSEN: Okay.

16 THE COURT: All right. Thank you, folks.
17 We will be in recess.

18 MR. GRIFFIN: Thank you, Your Honor.

19 MS. JENSEN: Thank you, Your Honor.

20 (A recess was taken and the following
21 proceedings took place in chambers at 11:49
22 a.m.)

23 THE COURT: So we will go on the record.
24 We have a note.

25 It says, Your Honor, is there a written

1 report by the deputy that we would be allowed to
2 read?

3 MR. GRIFFIN: No.

4 THE COURT: I mean the short answer is
5 no. I mean they did get the written statement
6 of Mr. Richardson.

7 MS. JENSEN: Mm-hmm.

8 THE COURT: But that's the only thing.

9 MR. GRIFFIN: That's correct.

10 THE COURT: So if I reply and say, no, it
11 was not admitted into evidence, are you good
12 with that?

13 MR. GRIFFIN: Yes, sir.

14 MS. JENSEN: Yes, Your Honor.

15 THE COURT: I will reply that way.

16 (The response was delivered back to the
17 jury at 11:50 a.m.)

18 (The following proceedings took place in
19 chambers after receiving another note from the
20 jury at 12:18 p.m.)

21 THE COURT: We can go on the record.

22 We have received a note from the jury
23 saying, hello, may we please have a review of
24 the part of the instructions where the judge
25 said to pay attention. I am going to say, you

1 will have to be more specific than that. I
2 think I said pay attention a bunch of times.

3 MR. GRIFFIN: I think I did too, just so
4 the record is clear.

5 THE COURT: Do you have any objection if
6 I say, do you mean the part about self-defense
7 or?

8 MR. GRIFFIN: That's fine, Judge. I will
9 defer to the Court.

10 MS. JENSEN: That's fine, Your Honor.
11 Thank you.

12 (The note in response to the question was
13 delivered to the jury at 12:21 a.m.)

14 (The following proceedings took place in
15 chambers at 12:24 p.m.)

16 THE COURT: All right. We will go on the
17 record.

18 And it said, yes, Your Honor, that is
19 exactly what we would like to have reviewed.
20 The instruction is around self-defense.

21 So, we will go back in and I will
22 instruct them again on self-defense.

23 (The proceedings in chambers concluded
24 and the following proceedings took place back in
25 open court at 12:26 p.m.)

1 THE COURT: Everyone may be seated.

2 I think we placed this on the record in
3 chambers, the Court did receive a further note
4 from the jury clarifying its earlier note
5 indicating that they wanted to be reinstructed
6 on the issue of self-defense which the Court
7 will do.

8 Anything else before we bring in the
9 jury, Mr. Griffin?

10 MR. GRIFFIN: No, Your Honor. Thank you.

11 THE COURT: Anything else, Ms. Jensen?

12 MS. JENSEN: No, Your Honor. Thank you.

13 THE COURT: We are ready for the jury.

14 (The jury returned to the courtroom at
15 12:27 p.m.)

16 THE COURT: Everyone may be seated.

17 Madame foreperson, we have received your
18 note and I will reinstruct the jury again on the
19 issue of self-defense. I would remind you and I
20 will instruct you on this specifically.

21 If the issue of self-defense is
22 generated, it is the burden of the State to
23 disprove self-defense beyond a reasonable doubt,
24 and I would also congratulate you, Madame
25 Foreman, on even being able to read my

1 handwriting, so.

2 Under our law, a person is justified in
3 using a reasonable degree of nondeadly force
4 upon another person in order to defend the
5 person or a third person from what the person
6 reasonably believes to be the imminent use of
7 unlawful nondeadly force by that other person,
8 and the other person may use a degree of such
9 force that the person reasonably believes to be
10 necessary for that purpose. However, such force
11 is not justifiable if, with a purpose to cause
12 physical harm to another person, the person
13 provoked the use of unlawful nondeadly force by
14 the other person, or the person was the initial
15 aggressor unless after such aggression, the
16 person withdraws from the encounter and
17 effectively communicates to the other person the
18 intent to do so, but the other person
19 notwithstanding continues the use or threat of
20 unlawful nondeadly force.

21 Madame Foreman, was that responsive to
22 the jury's question?

23 THE FOREPERSON: That was precisely what
24 we wanted.

25 THE COURT: I would remind you, as I

1 indicated before, that if the jury does conclude
2 that the defendant was justified in using a
3 reasonable degree of nondeadly force, it is a
4 defense unless the State negates the
5 justification beyond a reasonable doubt, in
6 other words, the burden of proof is on the State
7 with respect to this issue.

8 We will allow you to retire to further
9 continue deliberations.

10 (The jury was recessed again to continue
11 their deliberations at 12:29 p.m.)

12 THE COURT: We will be in recess to await
13 the jury's verdict.

14 (The following proceedings took place
15 back in open court at 2:54 p.m.)

16 THE COURT: Anything before we bring in
17 the jury, Mr. Griffin?

18 MR. GRIFFIN: No, Your Honor. Thank you.

19 THE COURT: Ms. Jensen?

20 MS. JENSEN: No, Your Honor. Thank you.

21 THE COURT: Bring in the jury.

22 (The jury returned to the courtroom at
23 2:54 p.m.)

24 THE COURT: Everyone may be seated but
25 the foreman.

1 The clerk may inquire.

2 THE CLERK: Madame foreperson and members
3 of the jury, have you agreed upon a verdict?

4 THE FOREPERSON: Yes.

5 THE CLERK: What say you, Madame
6 Foreperson, is the defendant, Garrett Cote,
7 guilty or not guilty of the offense of Criminal
8 Threatening with a Dangerous Weapon?

9 THE FOREPERSON: Guilty.

10 THE CLERK: Madame foreperson, have you
11 correctly reported the verdict?

12 THE FOREPERSON: Yes.

13 THE CLERK: So say you, Madame
14 foreperson, so say you all?

15 THE JURY: Yes.

16 THE COURT: Thank you. Any further
17 inquiry, Ms. Jensen?

18 MS. JENSEN: No, Your Honor.

19 THE COURT: You may be seated for a
20 moment, Madame Forewoman. Thank you very much.

21 I would like to thank all of the jury for
22 your attention to the details of the case.

23 Obviously you were willing to work through
24 lunch, you took your duty very, very seriously.

25 Remember that our criminal justice system here

1 in the United States couldn't function if it
2 were not for people like yourselves who were
3 willing to come in and give of your time so that
4 everyone can get a fair trial.

5 I particularly want to commend you,
6 Madame Forewoman, for the excellence of your
7 handwriting as well.

8 We will excuse the jury at this point
9 with our thanks. All rise for the jury.

10 We will take a very brief recess while
11 the jury departs.

12 MR. GRIFFIN: Yes, sir.

13 (The jury exited the courtroom at this
14 time and the following proceedings took place
15 back in open court at 2:59 p.m.)

16 THE COURT: Please be seated, ladies and
17 gentlemen.

18 The defendant having been found guilty by
19 the jury, the Court will enter a judgment of
20 guilty, and let me initially address you,
21 Ms. Jensen, are you ready to proceed to
22 sentencing today or would you like some time to
23 either prepare a sentencing memorandum or
24 argument before we proceed with sentencing?

25 MS. JENSEN: Your Honor, I would prefer

State Of Maine		UNIFIED CRIMINAL DOCKET		JUDGMENT AND COMMITMENT	
Docket No. SOMCD-CR-2022-00713	County/Location SOMERSET	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date: <u>8/21/23</u>	DOB 05/02/1999	
State of Maine v. GARRETT JOSEPH COTE, JR			Residence: 1548 HILL ROAD CANAAN ME		
Offense(s) charged: CRIMINAL THREATENING W/ DANGEROUS WPN		Charge: 1		Charged by:	
Class: C DOV: 05/08/2022 Seq #: 7975 Title: 17-A / 209 / 1				<input type="checkbox"/> indictment	
				<input type="checkbox"/> information	
				<input checked="" type="checkbox"/> complaint	
Plea(s): <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Not Guilty <u>8/21/23</u>		Date of Violation(s): _____			
Offense(s) convicted: <input checked="" type="checkbox"/> CRIMINAL THREATENING W/ DANGEROUS WPN		Charge: 1		Convicted on:	
Class: C DOV: 05/08/2022 Seq #: 7975 Title: 17-A / 209 / 1				<input checked="" type="checkbox"/> plea	
				<input type="checkbox"/> jury verdict	
				<input type="checkbox"/> court finding	
It is adjudged that the defendant is guilty of the offenses as shown above and convicted.					
<input checked="" type="checkbox"/> 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:					
<input checked="" type="checkbox"/> 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 <u>3 years</u>					
<input type="checkbox"/> A County jail to be punished by imprisonment for a term of _____					
<input type="checkbox"/> This sentence to be served (consecutively to)(concurrently with) _____					
<input type="checkbox"/> 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.					
<input type="checkbox"/> It is ordered that all (but) _____ of the sentence (as it relates to confinement)(as it relates to the _____) be suspended and the defendant be placed on a period of					
<input type="checkbox"/> probation <input type="checkbox"/> supervised release <input type="checkbox"/> administrative release					
for a term of _____ (years)(months) upon conditions attached hereto and incorporated by reference herein.					
<input type="checkbox"/> said probation or supervised release to commence (_____) (upon completion of the unsuspended term of imprisonment).					
<input type="checkbox"/> said administrative release to commence immediately.					
<input type="checkbox"/> The defendant shall serve the initial portion of the foregoing sentence at a County jail.					
<input checked="" type="checkbox"/> It is ordered that the defendant forfeit and pay the sum of \$ _____ as a fine to the clerk of the court, plus applicable surcharges and assessments.					
<input type="checkbox"/> All but \$ _____ suspended. The total amount due, including surcharges and assessments is \$ <u>45</u> .					
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)

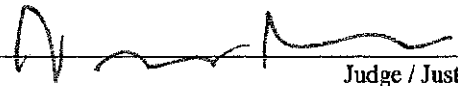
If the defendant has been convicted of an applicable offense listed in 25 M.R.S. § 1574, then the defendant shall submit to having a DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of the probation period as directed by the probation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

8,21,23

Defendant
Address

Garrett Gate
151 main st fairfield Apt 401

~~SS Number Disclosure Required on separate form~~

**Corrected*

State Of Maine		UNIFIED CRIMINAL DOCKET		JUDGMENT AND COMMITMENT	
Docket No. SOMCD-CR-2022-00713	County/Location SOMERSET	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date: 8/21/23	DOB 05/02/1999	
State of Maine v. GARRETT JOSEPH COTE, JR			Residence: 1548 HILL RD CANAAN ME		

Offense(s) charged:
CRIMINAL THREATENING W/ DANGEROUS WPN
Class: C DOV: 05/08/2022 Seq #: 7975 Title: 17-A / 209 / 1

Charge: 1

Charged by:
 indictment
 information
 complaint

Plea(s): Guilty Nolo Not Guilty 11/8/22 Date of Violation(s): _____

Offense(s) convicted:
 CRIMINAL THREATENING W/ DANGEROUS WPN
Class: C DOV: 05/08/2022 Seq #: 7975 Title: 17-A / 209 / 1

Charge: 1

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 3 years

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) _____ of the sentence (as it relates to confinement)(as it relates to the _____) be suspended and the defendant be placed on a period of

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

said probation or supervised release to commence (_____) (upon completion of the unsuspended term of imprisonment).

said administrative release to commence immediately.

The defendant shall serve the initial portion of the foregoing sentence at a County jail.

It is ordered that the defendant forfeit and pay the sum of \$ _____ as a fine to the clerk of the court, plus applicable surcharges and assessments.

All but \$ _____ suspended. The total amount due, including surcharges and assessments is \$ 45-
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)

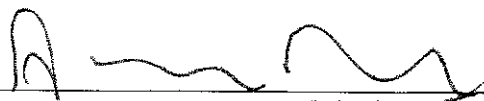
If the defendant has been convicted of an applicable offense listed in 25 M.R.S. § 1574, then the defendant shall submit to having a DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of the probation period as directed by the probation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

Defendant _____
Address _____

CERTIFICATE OF SERVICE

I certify that on this date, I caused ten copies of this brief and appendix to be delivered to this Court's Clerk's Office and I caused two copies of this brief and appendix upon the following parties:

Francis J. Griffin, Esq.
District Attorney's Office
41 Court Street
Skowhegan, ME 04976
Francis.Griffin@somersetcounty-me.org

Date: 12/21/23

/s/ Erik Crocker
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