

STATE OF MAINE
HANCOCK, ss

UNIFIED CRIMINAL DOCKET
Ellsworth
Docket # HANCD-CR-2022-00241
HANCD-CR-2026-00037
CUMCD-CR-2026-00558

STATE OF MAINE

v.

ELIOT CUTLER
D/O/B 07/29/1946
523 Naskeag Road
Brooklin, ME 04616

STATE'S OPPOSITION TO MOTION
TO AMEND BAIL DATED JULY 2, 2026

The State opposes Defendant's Motion to Amend Bail to permit Defendant expanded and un-monitored internet access for the following reasons:

1. Probation and Parole strongly opposes Defendant's Motion as Officers indicate it will increase the difficulty level in being able to fully monitor Defendant's use of the internet and increase their workload.

2. While Defendant suggests that his internet use is always monitored electronically, such monitoring only applies to computer systems within his home. The only factor which inhibits Defendant from accessing the internet on computers outside of the home, such as widely available public WIFI, public library systems, internet cafes, hotel internet systems or systems belonging to friends, family or associates is the condition that his internet use at all times must be monitored by specific supervisors. There is no limitation or restriction on which computers Defendant must use.

3. When arrested in February in South Portland, Defendant informed Agents of the Maine Computer Crimes Unit (Special Victim's Unit) that his conduct in violating bail arose because he suffered from his sexual addiction problem for nearly six decades. At the time,

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Defendant had been in his own private counseling with at least two providers and he had completed a residential program for problem sexual behaviors since before his conviction. He was attending therapy online. Obviously, none of that counseling proved effective in controlling Defendant's behavior and maintaining compliance with his conditions of release. That counseling --much of it via the internet-- simply did not succeed in providing Defendant with the tools necessary for him to comply with bail conditions.

4. The State maintains that broadening Defendant's internet access without having Defendant participate in the State-sanctioned problem sexual behavior program for sex offenders enhances circumstances for Defendant to re-offend and place minor children at risk again. Defendant has clearly not had effective counseling to combat or control his sexual urges and conduct. The State would not oppose Defendant's Motion if the Court ordered that he participate in the State-sanctioned problem sexual behavior program as previously ordered by this same Court at the urging of Probation and Parole because it would at least provide known guardrails and a support system to inhibit problem conduct. Probation Officers indicate that program has shown success in addressing problem sexual behaviors. The Director of the program previously acknowledged that he would abide by the conditions of internet access set by the Court despite the fact that the program, by its design, prohibits internet use for participants until such time that safety protocols are established to discourage recidivism. This program has existed for a significant period of time and remains a standard condition for probation for sexual offenders. The reason probation and parole continues to insist on this program is because it has shown success in addressing problem sexual behaviors where other programs have failed.

5. The State also urges the Court to consider whether in-person counseling with the State's problem sexual behavior program might be far more effective than on-line therapy which

Defendant frequently participated in at the time of his most recent violations of conditions of release.

6. While the Court imposed the condition of monitoring by Defendant's wife, brother and a religious figure, the State remains particularly concerned about at least one of those persons acting as supervisors. First, Defendant has been married to his wife for a large part of that same time that Defendant offended and admitted he has suffered from his uncontrolled sexual behavioral issues. According to on-line biographies, reports and information, Mrs. Cutler is a trained psychiatrist. She failed to observe or intervene in Defendant's behavior for whatever reason despite being trained in recognizing problem behaviors and living in the same home as Defendant. More troubling, the State is concerned from the standpoint that Defendant and his wife enjoy spousal privilege, and she likely could not be called to testify against her husband about any violations of internet use because of that spousal privilege. The State has no independent information about the reliability of Defendant's brother.

7. Defendant proposes that the supervisors could perform "unannounced" checks of Defendant's internet use. However, these supervisors have personal relationships with Defendant and are not law enforcement agents. They have no incentive to take on such responsibility and are not working in concert with probation officers. Such a proposal lacks any teeth.

8. Defendant was convicted of serious crimes involving sexual exploitation of minor children via the internet. The State maintains that protection of children and the public at large should weigh far more heavily than Defendant's convenience in attending on-line therapy which to date has been ineffective in controlling Defendant's behaviors --by his own admission.

FOR THESE REASONS, the State opposes Defendant's Motion to Amend Bail.

DATE: 7-13-2026



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