

STATE OF MAINE
York, ss

Unified Criminal Docket
Biddeford
Docket: CR-2024-4263

STATE OF MAINE }
 }
 v. }
 }
 LUCAS LANIGAN }

State's Opposition to Motion
to Suppress and request for
Frank's hearing

NOW COMES the State of Maine, by and through the undersigned Assistant District Attorney, to oppose the "motion to suppress evidence and request for Franks hearing" dated June 20, 2025.¹

The motion served on the State was unsigned. The motion filed with the court was also unsigned. The Clerk should be directed to return the document and not accept it for filing.²

¹ The date June 20, 2025, appears at the top of the first page of the motion; the date "June 3rd 2025" appears on the top of the last page of the motion. The motion is being identified by the date on the top page as that was the date it was received by the DA's office.

² Maine Rule of Unified Criminal Procedure 49(d) provides, in part, that papers "shall be filed in the manner provided in civil actions." Maine Rule of Civil Procedure 11(a)(3) requires, in part, that "every pleading, motion and other written request for relief filed with the court by a party who is not represented by an attorney shall be signed by the party." Further, Rule 11(a)(5) indicates, among other details, "if a pleading, motion, or other written request for relief is not signed, it shall not be accepted for filing."

The motion asks the court to “suppress all evidence obtained as a result of an arrest and prosecution grounded in materially false and misleading statements contained within the arrest affidavit.”³ In support of this request, the defense points to *Franks v. Delaware*, 438 U.S. 154 (1978). The motion asks for two possible remedies: “suppression of all evidence obtained as a result of the unlawful arrest” and/or “dismiss the charge of Aggravated Assault by Strangulation⁴ or reduce as appropriate”.

On Friday, October 25, 2024, law enforcement responded to a call for service from a woman reporting that her friend had been strangled by the friend’s husband. That same day, law enforcement took two steps toward arresting Mr.

³ The State also sought and was granted search warrants relating to the storage location, videos from a Ring camera, and T-Mobile. All such applications included an affidavit of probable cause and in the execution of each warrant, evidence was recovered. None of these motions nor evidence collected therefrom are being challenged.

⁴ This motion and request for relief is an example of the challenges facing a defendant who chooses to represent themselves. Strangulation may be considered as a circumstance “manifesting extreme indifference to human life” but there is no Maine crime of Aggravated Assault by Strangulation. The relief sought – dismissal of the charge of Aggravated Assault by Strangulation – is not possible as (1) there is no such crime in Maine and (2) that’s not one of the charges in this indictment.

Lanigan: they issued what is known as a temporary warrant in the MSP SBI database and prepared an affidavit in support of an arrest warrant. On Monday the 28th, the affidavit for the Defendant's arrest and a complaint charging aggravated assault as approved by the District Attorney's office was filed with the court and a formal arrest warrant was issued. Also, on the 28th, the Defendant turned himself in at the jail to be arrested. On the same day, at approximately 10:30 am, the temporary warrant was removed from the MSP SBI database (the ADA writing this response does not know if the temporary warrant was withdrawn and replaced with the warrant from the court or removed from the system because of the Defendant's arrest). Subsequently, on January 8, 2025, the matter was presented to the York County grand jury which returned this indictment.⁵

While the motion seeks to suppress all evidence obtained as a result of the unlawful arrest, the motion does not identify any specific evidence that was

⁵ The indictment alleges in count 1 that the Defendant committed aggravated assault against a family or household member or dating partner by intentionally, knowingly, or recklessly cause bodily injury under circumstances manifesting extreme indifference to the value of human life in violation of 17-A MRS §208-D(1)(D). Count 2 alleges a violation of §207-A(1)(A), class D domestic violence assault.

obtained as a result of the Defendant's arrest. The State is unaware of any evidence obtained as a result of the Defendant's arrest.⁶

"A *Franks* hearing is an evidentiary hearing at which a defendant may challenge the truthfulness of statements made in support of a search warrant." *State v. Jandreau*, 2022 ME 59, FN 5 (citations and quotations omitted). This motion seeks to challenge statements made in support of an arrest warrant. By its very definition, *Franks* does not apply.

The court should deny the motion to suppress for several reasons; some technical and some substantive. They include

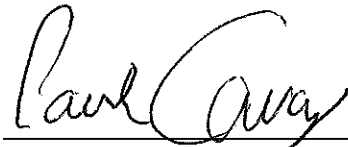
1. The attempt to file an unsigned document does not comply with the Rules of Procedure;
2. Any deficiency in probable cause prior to the Defendant's arrest was corrected by the Grand Jury's finding of probable cause and indictment;
3. There was no evidence obtained as a result of the Defendant's arrest;
4. There is no charge of "Aggravated Assault by Strangulation" for the court to dismiss; and

⁶ Sometimes during an arrest fingerprints or similar material may be collected; a person under arrest may make statements; articles of clothing or other objects about the person being arrested might be seized; however, in this case, none of those things happened as evidentiary matters. What is the motion seeking to suppress?

5. A *Franks* challenge is only appropriate to affidavits used to secure search warrants.

Consequently, the court must deny the motion to suppress without holding a *Franks* hearing.

Dated: 7/10/25



Paul Cavanaugh, Bar #7381
Assistant District Attorney

Certificate of Service

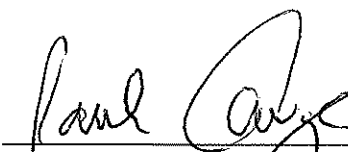
The State's response to the Defendant's motion to suppress, and all noted attachments, were mailed to the Defendant at the address provided in his motion to suppress; at the address provided on Defendant's bail bond, and emailed to the Defendant at the email address provided in his motion to suppress:

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Dated: 7/10/25

Lucas Lanigan
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