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

LAW COURT DOCKET: Som-23-326

STATE OF MAINE,
Appellee

v.

STEVE EDWARDS,
Appellant

ON APPEAL of Criminal Conviction
from the Somerset Unified Criminal Docket

BRIEF OF APPELLEE

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INTRODUCTION

Defendant/Appellant Steve Edwards appeals his eighteen (18) convictions for possession of sexually explicit images of a child under 12 in violation of 17-A M.R.S. §284(1)(C). Appellant challenges the trial court's denial of his motion to suppress; the trial court's denial of his motion for acquittal based on a claim of insufficient evidence; the trial court's denial of his motion for either a mistrial or new trial based on a comment during the prosecutor's rebuttal argument; and finally, he challenges the trial court's jury instructions. The State raises no issues for cross appeal.

STATEMENT OF THE FACTS OF THE CASE

Preliminary Investigation:

In January 2019, the National Center for Missing or Exploited Children (NCMEC) received a report from Bing as required by federal law – a so called cybertip. (Transcript from 3/14/23 (day one) at page 81, line 2-3; hereafter D1T @) MSP CCU Detective Abby Chabot prepared an affidavit and request for a search warrant and presented the same to a judge on August 8, 2019, and a search warrant was issued. D1T @ 81.

The search and interview on August 9, 2019:

On August 9, 2019, the search warrant was executed at Appellant's residence. D1T @ 82. He was interviewed by Det. Chabot and assisting Homeland Security Special agent Greg Kelly. D1T @ 87; 88 D2T @ 14. Relating to the charges here, two computers were seized during the search (D1T @ 89; 91-92) and with the aid of the passwords provided by the Appellant during the interview (D1T @ 95).

Prior to the interview, Detective Chabot gave Mr. Edwards a copy of the warrant so he knew what they were looking for and why. D1T @ 93-94. During the interview, Mr. Edwards acknowledged the two computers were his (D1T @ 94); that he had the password (D1T @ 95); and that only he used them (D1T @ 95). He provided the Detectives with the passwords to unlock the machines (D1T @ 95). When asked about a reaction to the situation, he responded that he was surprised as he had no images. D1T @ 100. When asked if it was possible he looked at pornography and something accidental happened, he said he was searching the internet and it took him to some "weird sites". D1T @ 101-102. He further described these weird images as "really awful thing, embarrassing, horrible and underage. D1T @ 104. He declined to further describe the images and until the end of the two-hour interview (D1T @ 88) did he acknowledge one image was of a girl. D1T @ 105. He said he was using the Toshiba computer when these weird, awful, things appeared. D1T @ 106. He

said the HP machine was broken. D1T @ 106. He could not explain how the pop-up event on the Toshiba resulted in images on the HP. D2T @ 89. The Detective asked directly if he was looking at child pornography and he replied that he does not look for child pornography, but there is a gray area where a little girl can look older and an older girl can look younger. D1T @ 107. He said he'd bought both machines, refurbished, about a year ago, but the incident being discussed happened more recently. D1T @ 111. There was no motion to suppress filed about the interview and both Detective Chabot and SA Kelly described the interview and Mr. Edwards' statements to the jury.

Law enforcement left Edwards' residence with equipment seized pursuant to the warrant and without arresting or summonsing anyone. D1T @ 89; 91-92.

The results of forensic examination of the two computers:

SA Kelly explained his background and training in investigations and in computer forensics. D2T @ 15; 17-18. He testified he was able to forensically examine those two machines. He testified in detail about that process and his work D2T @ 24-33. He confirmed he was able to unlock each machine with the password provided by Appellant. D2T @ 34; 79. He explained that each machine had some version of Mr. Edwards name as part of the machine's root name or identifier. D2T @ 36; 79 He

made a mirror image of the hard drive in each without altering the original and then did a software forensic analysis of each machine D2T @ 24-33; 78. From those results he was able to identify the images from counts 1 thru 15 in the indictment as having been recovered from the Toshiba machine (D2T @ 62-77) and the images from counts 16 – 18 in the indictment as having been recovered from the Seagate hard drive in the HP computer. D2T @ 85-87.[1] He testified about webpages visited by the user of the two machines and to bookmark sites saved in the search engine. D2T @ 57-61.[2] He testified about the search terms used by the user of each machine while cruising the internet. D2T @ 42-43; 49-53; 80-81. He testified some of the searches on the HP machine were from 2018. D2T @ 84.

Pretrial motion litigation (motion to suppress):

By motion dated May 31, 2022, the defense sought to suppress all evidence seized from the results of the search warrant because the information that formed the basis of Detective Chabot's probable cause was stale. App. Pg. 81, ¶5. The trial court (CJ Mullen) held a hearing on the motion on August 12, 2022, and issued an order

[1] The State is not including the images supporting each count the brief or appendix; however, they are available to the Court as part of the trial court record (exhibits 1-18). See also, M.R.App.P 7A(a)(2)(B)(i).

[2] The State is not reproducing the webpages, search terms, or URL that SA Kelly identified in his testimony because of the graphic descriptions in some of them. However, they are available to the Court in the referenced transcript.

denying the motion dated August 26, 2022. App. Pg 38-41. Justice Mullen made clear findings of fact and conclusions of law as he applied Maine case law to the challenged affidavit. It is this decision the Appellant challenges here.

The trial:

General Summary:

In its case in chief, the State called MSP CCU Detective (retired) Abbe Chabot and Homeland Security Investigations Special Agent Greg Kelly. The State introduced a photograph of each image identified in the indictment. The State introduced photographs of the residence, computers and similar background information. At the close of the State's case the court (CJ Mullen) denied the defense motion for acquittal. The defense then called a single computer expert witness. The State called no rebuttal witnesses and the matter closed after the second day of testimony.

Prosecutor's Misstatement:

The third day of trial started with closing arguments. During his rebuttal argument, after reviewing the computer images with the jury, the prosecutor began his summation with a problematic statement:

...This is what this case is about (in reference to the images just reviewed), it's not the however many he possessed that we didn't charge him with; it's not that he ...Transcript from Day 3 at page 41, lines 10-12.

And then Defense Counsel objected. After a sidebar conference during which the court had the electronic recording clerk listen to and repeat the prosecutor's comment, the court denied the request for a mistrial and with counsels' agreement issued a curative instruction:

> *Ladies and gentlemen, the state said – and I called the court reporter to make sure I heard – or I said to you what was said, what was exactly said. And the state said to you in its – part of its rebuttal, "its not however many – its not however many he possessed that we didn't charge him with". That could be construed in a lot of different ways. What I want you to understand is that you are not to concern yourself with anything other than the 18 counts that Mr. Edwards has been charged with. No more. No less. That's the evidence. There's no uncharged conduct evidence here; that's not for you to concern yourself with. Just focus on the 18 counts, as I said, period. No more. No less. Anyone have a problem doing this? All right. So the jury has indicated that they do not.* Transcript of day 3, page 47, lines 9-23.

Defense Counsel indicated satisfaction with the instruction and the State made no further argument to the jury. The case was over, but for jury instructions and deliberations. It is this statement and the court's curative instruction that Appellant challenges here.

Jury Instructions:

Prior to closing arguments, the court gave the parties written copies of the jury instructions it proposed to give. After closing argument, in chambers, Defense Counsel raised an issue regarding the State's burden of proving each element of each count with focus on the difference between his possession of the images and his

accessing them with intent to view. App. Pages 139-140.[3] During this conversation, the court asked counsel, "What are you suggesting I should tell them?" (App page 139, on page 65 of transcript, line 7). Counsel answered, "I don't know the answer as far as how do we instruct the jury." (App page 139, on page 65 of transcript, line 12-13). The court instructed the jury as originally proposed. (App pages 141-147). Defense Counsel indicated he "renew the objection that I indicated in chambers on the record". (App p. 147, transcript page 90, line 22-23). During instructions, the court indicated copies of the instructions would be available in chambers (App. P. 142, transcript page 71, lines 6-15). Counsel's memory is that the court did send instructions out with the jury.

Appellant challenges that the jury instructions as given failed to clearly explain to the jury that each count was a separate violation of the statute and that the State must prove Defendant's intent on each occasion; and that these failures worked him prejudice. Blue Brief at page 31.

[3] Appendix pages 140 and 141 are identical.

Post Conviction motion litigation:

The jury returned guilty verdicts on all eighteen counts in the indictment. App. Page 148-150. Thereafter, the defense timely filed a Motion for a New Trial and Renewed Motion for Mistrial (App. pages 99-103) based on the prosecutor's rebuttal argument and a Motion For Judgement of Acquittal (App. Pages 104-108) claiming the State failed to prove that the Defendant possessed or accessed with intent to view the computer file and the images failed to show the child was under the age of 12.

Prior to the scheduled sentencing hearing on August 9, 2023, the court held a hearing on the motions and denied both. (App. pages 54-62). In his third point, Appellant is challenging the court's denial of his motion for a new trial or mistrial claiming the prosecutor's statement was sufficiently prejudicial to have affected the outcome of the proceeding. Blue Brief at page 24. The issue of sufficient evidence is raised in the second issue in this appeal.

ISSUES PRESENTED FOR REVIEW

Whether the trial court erred in denying the motion to suppress

Whether the trial court erred by denying the motion for judgment of acquittal

Whether the trial court erred in denying the motions for a mistrial or new trial based on the prosecutor's misstatement

Whether the trial court's jury instructions were improper

SUMMARY OF THE ARGUMENT

Appellant's appeal should be denied. The trial court properly applied the law and rightfully denied the motion to suppress based on the nature of the allegations of sexually explicit images related to a computer. The trail court properly denied the motion to acquit based on the overwhelming evidence that Mr. Edwards sought out and possessed sexually explicit material of children under 12; his internet searches from two different machines using terms designed to find such images; the sexually explicit images found on those two machines; his admission to exclusive use of those two machines; and the obvious effort to mislead the investigators with his explanation of offensive images "popping up" during a single episode when he was searching the internet. The prosecutor's single misstatement during rebuttal closing argument did not deny the Appellant of a proper trial and therefore the trial court did not err in denying the motions for a mistrial or new trial. The trial court properly instructed the jury to consider each count of the indictment separately and

independently such that the jury instructions were proper. This appeal should be denied.

ARGUMENT ON EACH ISSUE

The trial court did not err in denying the motion to suppress

Standard of Appellate Review for this issue:

When reviewing a ruling on a motion to suppress, the Law Court reviews the trial court's factual findings for clear error and the trial court's legal conclusions de novo. The decision below should be upheld if any reasonable view of the evidence supports the trial court's decision to deny the motion. *State v. Cunneen*, 2019 ME 44, ¶1 (citations and quotations omitted).

Argument:

A challenge to a search warrant on grounds that the information relied upon to find probable cause was stale is decided by a direct review of probable cause as found by the issuing magistrate; affording great deference to that finding and drawing all reasonable inferences that support the decision to issue the warrant. *State v. Wright*, 2006 ME 13, ¶8; *State v. Roy*, 2019 ME 16, ¶11.

Whether probable cause exists at the time a warrant is requested is determined not by the mere passage of time between observation of the evidence and the application

for the warrant, but by the consideration of the unique facts and circumstances of each case. In child pornography cases a realistic understanding of modern computer technology[4] and the usual behavior of its users. *Roy*, supra, ¶13 (cites and quotations omitted). As the trial court noted in the order denying the motion to suppress, warrants have been found not defective due to staleness even after years have passed. Order at ¶13 citing cases. This Court has rejected a per se time limit defining staleness while noting that some applications months and years later support probable cause. *Wright*, *supra*, ¶9, FN 3 (collecting cases); *Roy*, *supra* ¶13, FN 2 (collecting cases).

In this case, MSP CCU Detective Chabot's twenty-three-page affidavit supplied in support of her application for the search warrant provided the information and details approved in both *Wright* (¶11) and *Roy* (¶14). Such information was sufficient independently to justify denying the motion to suppress. However, Justice Mullen went further and analyzed an issue from other states where the affidavit needs to demonstrate this specific Defendant had "an interest" in child pornography to further

[4] Ironically, Appellant's argument regarding the recovery of these images from unallocated spaces on his computer supports the understanding that such images remain on computers long after the initial observation that such images are likely on the computer.

support the inference that it would remain on the machines for some time. Order at ¶¶15-17.

Under the totality of the circumstances presented in the Detective's affidavit, there was probable cause at the time of application to support the issuance of the warrant. The issuing Judge was correct to so determine. The motion Justice was correct to so determine and properly denied the motion to suppress. This Court should also find probable cause existed at the time of application and deny this appeal.

The trial court properly denied the motion to acquit

Standard of Appellate Review for this issue:

This Court reviews the denial of a motion for judgment of acquittal by viewing the evidence in the light most favorable to the State to determine whether a jury could rationally have found each element of the crime proven beyond a reasonable doubt. *State v. Abdullahi*, 2023 ME 41, ¶40 (citations and quotations omitted).

Argument:

In his post-conviction motion to acquit, the Appellant argued the State failed to prove beyond a reasonable doubt that the defendant (1) possessed or accessed with intent to view the computer data file, or material, and (2) that exhibits 1-18 depicted

persons who had not in fact attained the age of 12 years. (App. page 105, ¶7). In his argument here, Appellant argues the State failed to present sufficient evidence that Mr. Edwards accessed with intent to view child sexual exploitative material on eighteen separate occasions. Blue Brief at page 19. Consequently, the State is concluding the Appellant has waived his motion argument regarding the age of the exploited person as under 12 and will not address that issue.

Of more complexity is how to address the Appellant's failure to include in his appeal the alternative argument in his motion that the State failed to prove that he possessed the computer data file, or material.[5] If the failure to include it in the appeal is also a waiver, then the appeal must be denied. 17-A M.R.S. §284(1)(C) has alternative ways of committing the crime: one is guilty if one possesses or accesses with intent to view any prohibited image.[6] If the Appellant is conceding the State proved

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[5] Defendant's motion is in the appendix beginning at page 104. In paragraph 9 of the motion, his arguments begin to focus on whether the State proved he possessed the images and in paragraph 13 he concludes forcefully that the State failed to prove possession. In paragraph 14 of the motion, his arguments focus on whether the State proved beyond a reasonable doubt that he accessed with intent to view the images and by paragraph 18 he has finished arguing access with intent to view was not proven. Likewise, the State's written response to the motion is in the appendix beginning at page 122. The State also responded separately to the arguments regarding possession or access with intent to view. Yet, the Blue Brief argues simply that the "State failed to present sufficient evidence that Mr. Edwards accessed with intent to view child sexual exploitative material on eighteen separate occasions. Blue Brief, page 19.

[6] The exact language is: A person is guilty of possession of sexually explicit material if that person intentionally or knowingly transports, exhibits, purchases, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knowns or should know depicts another person engaging in sexually explicit conduct, and the other person has not in

beyond a reasonable doubt, or waiving any argument to the contrary, that he possessed the computer files, then the State did not also need to prove that he accessed with intent to view.

Nonetheless, the State will address the sufficiency of the evidence challenge. When addressing a motion for acquittal, whether by the trial court or on appeal from a denial of the motion, the evidence from trial and all reasonable inferences therefrom, are viewed in a light most favorable to the State to determine whether the jury could rationally have found each element of the crime proven beyond a reasonable doubt. *State v. Williams*, 2020 ME 17, ¶19 (citations omitted). A review of the evidence shows sufficient evidence for the jury to rationally have found that Mr. Edwards accessed with intent to view the contraband images.

The evidence of his accessing these images with the intent to view them[7] comes from the forensic computer experts regarding websites found in the computers' history

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fact attained 12 years of age or the person knows or has reason to know the other person has not attained 12 years of age. 17-A M.R.S. §284(1)(C).

For purposes of this case, the parties agreed that only the allegation that he possessed or accessed with intent to view computer files would be put before the jury. Transcript, day 2 at page 8, line 11 through page 9, line 11.

[7] Evidence that he possessed the images is also abundant in the trial record. In the context of digital computer images, possession as needed to support a guilty verdict has been defined: "to be found guilty, he had to have—in accordance with the plain meaning of 'possess' - held, owned, or controlled the digital

(some saved as favorites), the search terms in the browser history, the defendant's statements regarding which machine would contain the images covered by the search warrant, the defendant's admission to having seen the "gross" images on his machine after searching for pornography and clicking a link, the defendant's incredible story of the pop up images he just couldn't close fast enough as they appeared, and the images themselves – many appearing very similar to the search terms and web browser history – support the jury's verdict that he accessed them with intent to view. Supplementing this conclusion is the fact that all of this is true on two different machines. Obviously, if the jury was convinced beyond a reasonable doubt that the defendant searched for and possessed such images the only conclusion would be that he also accessed them with intent to view.

There was overwhelming evidence that defendant sought out such images and that such images were found on two of his computers. The evidence was sufficient to support his guilt beyond a reasonable doubt. His attack on the sufficiency of the evidence should fail and this appeal be denied.

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images in question. The question becomes whether there is sufficient evidence that [Defendant] held, owned, or controlled the images to support a conviction for possession of them." *State v. Wilson*, 2015 ME 148, ¶17. Here, as in that case, there was direct evidence of the actual images recovered from two of his computers, his statements about seeing the images while searching for pornography, and circumstantial evidence from the forensic computer experts regarding his web browser history, and search terms used consistent with the images recovered.

Neither a mistrial nor new trial were warranted from the prosecutor's single misstatement

Standard of Appellate Review:

The trial court's denial of a motion for a mistrial is reviewed for an abuse of discretion and will be reversed only when there is prosecutorial bad faith or exceptionally prejudicial circumstances as it is presumed juries follow instructions, including curative instructions. *State v. Tarbox*, 2017 ME 71, §18 (citations and quotations omitted).

Similarly, the Law Court reviews the trial court's decision to deny a motion for a new trial for an abuse of discretion and any findings underlying that decision for clear error. *State v. Abduallahi*, *Id*., at ¶40 (citations and quotations omitted).

When such motions are made after a defendant objects to a prosecutor's statement, the review is to determine whether there was actual error and if so whether the trial court's response remedied any prejudice from the prosecutor's error. This Court defers to the trial court's determination that any prejudice is likely to be cured by a prompt and appropriate curative instruction, especially when the curative instruction is addressed specifically to the error. Therefore, curative instruction will only be deemed inadequate to eliminate prejudice where there are exceptionally prejudicial

circumstances or prosecutorial bad faith. *State v. Tripp*, 2024 ME 12, ¶27 (citation and quotations omitted).

Justice Mullen reviewed and applied the applicable law in a thoughtful and proper manner in announcing his decision on the request for a new trial or mistrial; his findings and order are reproduced in the appendix from page 54 to line 12 on page 60. As he did during the trial, he found the prosecutor's comment to be improper, "regardless of whether it was construed as referring to other sexually explicit material depicting minors or, as the prosecutor asserted, sexually explicit material depicting adults." App. at page 56, lines 11 to 16. As professionally embarrassing and disappointing as it may be, the State is not challenging that conclusion.

> Justice Mullen also found there's no evidence of prosecutorial bad faith in this case … the prosecutor made an isolated comment that he explained was intended to be a reference, albeit I would say in artfully, to defense counsel's earlier mention of adult pornography found on defendant's computer This is not a case where the prosecutor committed intentional misconduct or demonstrated a pattern of misconduct … moreover, the prosecutor did not actually suggest that the jury should consider other images not in evidence to comment on the context, I find emphasizes the evidence before the jury consisted of 18 exhibits, not other uncharged images, nor are there exceptionally prejudicial circumstances here. This is not a case of multiple or repeated improper comments … a comment I find did not infringe on Mr. Edward's constitutional rights against self-incrimination … Nor did the comment invoke racial bias or other systemic biases." App at page 58, line 3 to page 59, line 17. He concluded, without the guidance of *Tripp*, *supra*, that the curative instruction which was given

> immediately and with the consent of counsel, was adequate to address any prejudice that might have resulted from the comment. App. page 60.

Contrary to those findings and conclusions, the Appellant argues that this prosecutor's single misstatement is a kin to the pervasive errors mentioned in *State v. White*, 2022 ME 54.

However, this unfortunate circumstance is more like the situation explained in *State v. Tripp, supra*. As the Law Court found there, the trial court promptly provided a curative instruction upon objection to the prosecutor's statement; the curative instruction was specifically addressed to the prosecutor's error; and eliminated any prejudice which may have resulted. *Tripp, supra*, ¶28. Additionally, beyond handling this situation as was done in *Tripp*, the trial court here went further and asked the jurors if they could follow the curative instruction, and all indicated they could – further proof the instruction cured any potential prejudice.

A single misstatement during the course of a three-day trial, when found by the presiding Justice to not manifest prosecutorial bad faith nor to have created exceptionally prejudicial circumstances, does not warrant a new trial. Justice Mullen properly handled the unfortunate mistake. This theory of appeal should also be denied.

The trial court's jury instructions were proper

Standard of Appellate Review for this issue:

Jury instructions are to be reviewed as a whole to ensure they accurately and fairly inform the jury of the law; the denial of a request for a proposed jury instruction will not be reversed unless the Appellant can show that the proposed instruction (1) stated the law correctly, (2) was generated by the evidence, (3) was not misleading or confusing, and (4) was not sufficiently covered by the given instructions. Trial courts are vested with wide discretion to formulate instructions that accurately and coherently reflect the law and instructions closely paralleling the criminal code are adequate to provide necessary information. *State v. Hopkins*, 2018 ME 100, §46 (citations and quotations omitted).

In this appeal, the Appellant has not presented an alternative jury instruction but maintains the instructions given were inadequate. No "adequate" instruction has ever been presented as an alternative to those given. In fact, when asked by the court for a proposed instruction, counsel replied, "I don't know the answer as far as how do we instruct the jury." App at page 139, transcript page 65, line 12-13. Nor are alternative instructions suggested in the Blue Brief.

In its general instructions, the trial court directed the jury to consider the instructions as a whole. (App. page 142, transcript page 71, line 23-24. The court emphasized the State's burden of proof is beyond a reasonable doubt and the court defined that term. (App. p144, tr page 78, line 12 through tr page 79, line 7). The jury was told the burden of proof is entirely on the State. (App. p 144, tr page 79, lines 8-12). They were told not to infer guilt from the number of charges but to consider each charge independently and were specifically reminded they could find him guilty of all, not guilty of all, or guilty of some and not guilty of others. They were further instructed that they must consider the evidence and the instructions separately as to each charge and reach a separate, independent decision as to whether the State has proven each charge beyond a reasonable doubt. (App. p 144, tr page 80, line 1-10).

When the court moved to the specific law and instructions for this case, after confirming there were 18 counts of the same charge, the court emphasized the need for each charge to be considered independently and separately. The court reminded them of the ability to find the Defendant not guilty of all charges, guilty of all charges, or guilty of some and not guilty of others. (App. page 144, tr page 81, lines 20-24.) At the conclusion of the specific instructions, the court emphasized the State's burden to prove every element beyond a reasonable doubt. (App. page 145, tr page 85, lines 13-17). The court provided the jury with a verdict form (App. page

148 – 150) which required them to identify the verdict on each count individually and separately. The court explained that form and the need to consider each count. (App. 147, tr page 90, lines 5 – 14).

Any argument that the court failed to instruct the jury on the need to consider each element of each count individually is simply wrong. The jury was properly instructed on the element of the crime; reminded of the State's burden of proof; told repeatedly to consider each count separately and independently; given a copy of the instruction to consider while deliberating; and given a verdict form requiring the foreperson to identify the verdict on each count individually.

The court's jury instructions were properly and carefully crafted. This argument of the appeal should be denied.

CONCLUSION

Mr. Edwards was properly convicted of possession of images depicting another person under the age of 12 engaged in sexually explicit conduct in violation of 17-A M.R.S. §284(1)(C) for each of the eighteen images charged in this case. Detective Chabot submitted an affidavit in support of a search warrant supported by probable cause and the subsequent warrant was properly issued. Based on the evidence submitted to it, the jury could rationally have found each element of each charge proven beyond a reasonable doubt – there was sufficient evidence to support these convictions. The prosecutor's improper statement in rebuttal argument was immediately identified and a curative instruction directed to that comment was given which the jury indicated it could follow. The statement did not require a mistrial or new trial. The trial court properly instructed the jury on each element of each count and their duty to consider each charge separately and independently. There was no error in the court's instructions. Therefore, Mr. Edwards appeal should be denied.

Respectfully submitted,

March 1, 2024

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CERTIFICATE OF SERVICE

I sent a native PDF version of this brief to the Clerk of the Court and to opposing counsel at their email addresses (lawcourt.clerk@courts.maine.gov and peter@peterjcyrlaw.com). I had delivered 10 copies of this brief to the Law Court, and I mailed 2 paper copies to opposing counsel at the address provided on Appellant's brief (Peter J. Cyr, Esq. The Law Offices of Peter J. Cyr, Esq. 85 Brackett Street, Portland, Maine 04102).

__/s/ Paul Cavanaugh_____
Paul Cavanaugh
Bar # 7381
March 1, 2024

CERTIFICATE OF SIGNATURE

I am filing the electronic copy of this brief with this certificate. I will file the paper copies as required by M.R.App.P. 7A(1). I certify that I have prepared the brief and that the brief and associated documents are filed in good faith, conform to the page and word limits in M.R.App.P. 7A(f) and conform to the form and formatting requirements of M.R.App.P. 7A(g).

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