

State of Maine

v.

**ORDER GRANTING IN PART
MOTION TO RECONSIDER**

Taylor A. Pelletier

Taylor A. Pelletier has filed a motion to reconsider the Court's decision dated December 14, 2023. The motion has been reviewed by the panel that decided the original appeal.

The motion to reconsider is GRANTED IN PART to clarify the applicable standard of review when a defendant challenges the sufficiency of an indictment and is otherwise DENIED. Paragraphs 28 and 31 are revised as follows:

~~[¶28] We review for an abuse of discretion a court's denial of a motion to dismiss a count of an indictment. *State v. Cotton*, 673 A.2d 1317, 1319 (Me. 1996). We review de novo a challenge to the legal sufficiency of an indictment. See *State v. Stevens*, 2007 ME 5, ¶¶ 2-5, 912 A.2d 1229; *State v. Strong*, 2013 ME 21, ¶¶ 12, 14-19, 60 A.3d 1286; *State v. Solomon*, 2015 ME 96, ¶ 9, 120 A.3d 661. . . .~~

....

~~[¶31] Because the indictment is not so flawed as to deprive Pelletier of notice of the charge or an opportunity to defend himself or to put him at risk of double jeopardy, the court did not abuse its discretion when it denied Pelletier's motion to dismiss Count 1. We~~

hold that Count 1 of the indictment was not so flawed as to deprive Pelletier of notice of the charge or an opportunity to defend himself or to put him at risk of double jeopardy, and was therefore legally sufficient to charge Pelletier with kidnapping.

Dated: January 18, 2024

For the Court,

/s/ Matthew Pollack
Matthew Pollack
Clerk of the Law Court
Pursuant to M.R. App. P. 12A(b)(4)