

STATE OF MAINE
CUMBERLAND, SS.

UNIFIED CRIMINAL DOCKET
DOCKET NO. CUMCD-CR-2024-03369

STATE OF MAINE

)
) PETITION TO APPEAL BAIL DETERMINATION

v.

)

AARON KARP

)

REC'D CLERK'S OFFICE
NOV 8 2024

NOW COMES the Defendant, by and through his attorney, and hereby moves for a petition for review of bail by a single justice in this matter and states the following in support thereof:

On October 30, 2024, the Cumberland County Superior Court denied Defendant bail in this matter. Defendant is requesting review of that bail pursuant to Rule 46(e) and 15 M.R.S.A. §1029.

The evidence provided by the State does not establish probable cause that Defendant committed a formerly capital offense, namely intentional or knowing murder. A review of the evidence in support of probable cause falls far short of establishing that Defendant knowingly or intentionally killed the alleged victim.¹ Specifically, even assuming the shots that Mr. Karp may have fired, are the ones that killed the deceased, it is clear that the deceased fired first, striking one of the individuals in the group of individuals that Mr. Karp was allegedly a part of.² Further, the State, at most, provided probable cause that Mr. Karp acted with depraved indifference, as opposed to knowingly and intentionally, which is not a formerly capital offense and mandates a cash bail.

¹ 15 M.R.S.A. §1029 provides that the single justice shall review the finding of probable cause under the clearly erroneous standard.

² Defendant does not concede that he shot at all, or that it was a bullet from a gun he may have fired that killed the victim.

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Further, even if probable cause exists, the Court erred in not utilizing its discretion to set bail for Mr. Karp.³ Mr. Karp, who is 47 years old, has no criminal record. There is little to no evidence, never mind clear and convincing evidence, that he presents any risk to the community. Rather, the letters of support provided to the Court, his strong ties to the community, including three children, a home and a business, along with turning himself in as soon as he was aware of the warrant, show that Mr. Karp does not present a risk to the community. The prosecutor's argument was not that he presented a general risk to the community, but rather to certain witnesses, because of his association with a motorcycle club known as the Outlaws. As argued by undersigned, if the prosecutor's argument had merit, those witnesses would be at risk whether or not Mr. Karp is in or out of jail. Further, several days went by after the incident and there is absolutely no evidence that Mr. Karp took any action to threaten, intimidate, harm or even contact any witnesses to the event.

Again, by all accounts, Karp is a very good candidate for bail in this matter and the State did not establish by clear and convincing evidence that Mr. Karp presented a risk to the community, as the Court determined. The State always argues that a person charged with murder presents a risk to the community. If that is the case, then no one charged with knowing or intentional murder would ever be eligible for bail. That cannot be what the Legislature intended.

This was a very isolated incident, initiated by the very group of individuals with whom the victim was with in the Meineke parking lot. Also, that group initiated the dispute

³ 15 M.R.S.A. §1029 provides that the single justice shall review all issues other than probable cause de novo.

and the shooting itself. There was no evidence that anyone from the group that Mr. Karp was allegedly associated with, displayed any guns prior to being fired at and struck.

Finally, Mr. Karp has multiple very plausible defenses to these charges. It is obvious that it is much easier to prepare a defense with an attorney, if you are not incarcerated. Further, murder trials are being scheduled a long time out, sometimes into 2026. Given his valid defenses and all of the other facts and circumstances of this matter, granting Mr. Karp a significant cash bail and/or surety would be appropriate. In fact, even the prosecution, recognizing all of these factors at the hearing, suggested a high cash bail. Even if Mr. Karp's defenses do not factor into the probable cause analysis, they should be relevant to the discretionary phase of the bail consideration.

Because the review by the single Justice regarding whether it should exercise discretion with regard to setting bail is de novo, Mr. Karp respectfully requests that this Honorable Court exercise its discretion and grant Mr. Karp a significant cash and/or surety bail.

This Petition is being filed electronically by ShareFile (Section II F).

WHEREFORE, Defendant respectfully requests that this Honorable Court vacate the Trial Court's Order, issue an appropriate bail, and issue any further relief as it deems just and proper.

Dated: November 7, 2024

/s/ Verne E. Paradie, Jr.
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