

STATE OF MAINE  
CUMBERLAND, SS.

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CLERK OF SUPERIOR COURT  
101 BOYDEN AVENUE  
PORTLAND, ME 04101

SUPERIOR COURT  
Docket No. Cr-24-3699  
3369

STATE OF MAINE )  
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 v. )  
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 Aaron Karp, )  
 Defendant. )

Harnish bail order.

The court has conducted a *Harnish* hearing in this matter and carefully reviewed all of the evidence presented as well as the well written closing arguments. The Court concludes that the State has satisfied its burden of probable cause.

While it is clear that identification of the shooter will be a contested issue at trial , this Court concludes there is adequate circumstantial evidence to establish probable cause that Mr. Karp intentionally and knowingly caused the death of Susan McHugh by pointing a gun at her and firing multiple times.

The next issue that is also likely to be hotly contested at trial is the issue of self-defense. There is conflicting case law about whether a justification, as opposed to a defense, should be considered on the issue of probable cause. However, in this case, the court will consider as relevant to the issue of discretionary bail

The court concludes that it was likely that the episode at the Brookside establishment involving the Higher Calling Motorcycle Club precipitated the interactions that led to the shooting on Forest Ave. However, the episode at Brookside did not involve the use of deadly force.

The episode on Forest Avenue with members of the Outlaw Motorcycle Club started with an assault by them with the use of weapons which were capable of deadly force in the manner they were used, although they were not firearms. There was no evidence presented that the individuals the Outlaws were confronting displayed any firearms in a threatening manner prior to the shots being fired by Susan McHugh.

After Ms. McHugh discharged her firearm, the individual, who the court finds there is probable cause is Aaron Karp, stopped running from the scene and turned and fired multiple shots in her direction.

For the use of deadly force to be justified in self-defense it must be not provoked by an initial use of deadly force which the court concludes existed at the time of the initial assaults on Forest Ave. The justification of deadly force also requires that it be reasonably done in fear for one's life. It appears in the video that Mr. Karp stopped his exit from the scene to shoot multiple times. This also is problematic for a viable self-defense which the court does recognize will be the state's burden to disprove if generated at trial. Since this is a probable cause determination on limited evidence, the court is not in a position to evaluate the concept of imperfect self-defense.

Ultimately, the court concludes, the state has met its burden to establish probable cause that, Mr. Karp committed intentional or knowing murder which is a formerly capital offense. Accordingly, under the *Harnish* doctrine his constitutional right to bail is extinguished.

The Court now considers discretionary bail allowed under *Harnish*. There are facts that mitigate in favor of granting bail. These include the fact that Mr. Karp came back from the Midwest to turn himself in, his long-standing employment history and ties to the community as well as his lack of a significant criminal record.

However this murder and the Forest Avenue assaults that directly preceded it, appear to be an escalation in level of violence towards individuals who had likely committed the offenses of assault and robbery at the Brookside establishment. The court cannot conclude that there is no risk to the public or other individuals if Mr. Karp were to be released on bail.

Accordingly, Mr. Karp to be held without bail pending his trial.

Dated: October 21, 2024

  
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JUSTICE, MAINE SUPERIOR COURT .