

STATE OF MAINE

v.

DAVID P. HANLON JR.

Submitted on Briefs June 14, 2017
Decided June 22, 2017

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

David P. Hanlon Jr. appeals from a judgment convicting him of refusing to sign a criminal summons (Class E), 17-A M.R.S. § 15-A(1) (2016), entered by the trial court (Androscoggin County, *Mulhern J.*) following a jury trial. Hanlon asserts that the court erred by denying his motion to dismiss the charge as a *de minimis* infraction. *See* 17-A M.R.S. § 12 (2016).

Section 12(1) provides that “[t]he court *may* dismiss a prosecution” as *de minimis* in specified circumstances. (Emphasis added.) Hanlon argues that his eventual execution of a bail bond following his arrest for OUI satisfied the purposes that section 15-A(1) was intended to achieve. *See* 17-A M.R.S. § 12(1)(B)-(C). As the court explained when denying Hanlon’s motion, however, the requirement of section 15-A(1) that someone in Hanlon’s situation must sign a Uniform Summons and Complaint is not subject to an exception when that person also faces the prospect of signing a bail bond. Contrary to Hanlon’s contentions, this reasoning and the court’s resulting

denial of his motion to dismiss did not constitute an abuse of discretion. *See State v. Curtis*, 2003 ME 94, ¶ 4, 828 A.2d 795.

The entry is:

Judgment affirmed.

Rory A. McNamara, Esq., Drake Law, LLC, Berwick, for appellant David P. Hanlon Jr.

Nathan R. Walsh, Asst. Dist. Atty., Prosecutorial District III, Lewiston, for appellee State of Maine

Androscoggin County Superior Court docket number CR-2015-672
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