

PATRICIA A. GIERO

v.

RICHARD A. GIERO

Submitted on Briefs April 10, 2018
Decided May 1, 2018

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

MEMORANDUM OF DECISION

Richard A. Giero appeals from a judgment of the District Court (Calais, *Budd, J.*) finding that he abused Patricia A. Giero, and issuing a protection from abuse order against him for a period of six months.¹ *See* 19-A M.R.S. § 4007(1) (2017). Contrary to Richard’s contentions, the court did not err when it found that Richard actually placed Patricia in reasonable fear of bodily injury.² *See*

¹ Although the protection from abuse order expired on February 8, 2018, “an appellate challenge to the issuance of a protective order remains justiciable after the order has expired.” *Chretien v. Chretien*, 2017 ME 192, ¶ 10, 170 A.3d 260.

² The Legislature directed the courts to “liberally construe and apply [the protection from abuse] chapter to promote” recognition that domestic abuse is a serious crime that results in a pattern of escalating abuse and to promote “effective protection against further abuse.” 19-A M.R.S. § 4001 (2017). In contrast to Maine’s stalking statute, 17-A M.R.S. § 210-A(1)(A) (2017), there is nothing in the legislative history of section 4002(1)(B) to suggest that the Legislature intended to narrowly “address the types of repeated acts that create fear and apprehension, and that may signal a potential escalation toward lethality.” *Craig v. Caron*, 2014 ME 115, ¶ 15, 102 A.3d 1175; *see, e.g.*, L.D. 2458, Summary (114th Legis. 1990); L.D. 2458, Statement of Fact (114th Legis. 1990). Instead, we have broadly interpreted section 4002(1)(B) in a way that addresses the victim’s experience of fear and

19-A M.R.S. § 4002(1)(B) (2017); *Smith v. Hawthorne*, 2002 ME 149, ¶ 20, 804 A.2d 1133 (“Our protection from abuse statute recognizes that if a defendant engages in a course of conduct that is threatening, harassing or tormenting, the conduct can cause the victim to be placed in fear of bodily injury even if the defendant has not verbally threatened violence or committed actual acts of violence against the victim.” (quotation marks omitted)); *see also Jusseaume v. Ducatt*, 2011 ME 43, ¶¶ 18-19, 15 A.3d 714.

The entry is:

Judgment affirmed.

Jeffrey W. Davidson, Esq., Machias, for appellant Richard A. Giero

Donald Brown, Esq., Don Brown Law, P.C., Brewer, for appellee Patricia A. Giero

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does not require specific intentions of or acts by the defendant. *See, e.g., Jusseaume v. Ducatt*, 2011 ME 43, ¶ 18, 15 A.3d 714; *Smith v. Hawthorne*, 2002 ME 149, ¶ 20, 804 A.2d 1133.