

STATE OF MAINE

v.

AARON GETCHELL

Submitted on Briefs April 24, 2019  
Decided May 23, 2019

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

#### MEMORANDUM OF DECISION

After a bench trial, the court (Washington County, *Stewart, J.*) found that Aaron Getchell, a thirty-five-year-old man, sent more than twenty unsolicited and unconsented-to Facebook messages, including the messages, “You wanna see a dick pic?” and, “Its [sic] Big.....” to a fifteen-year-old girl.<sup>1</sup> Then, after receiving no indication from the girl that she was receptive to this communication, Getchell sent her a picture of his penis.

Getchell challenges the ensuing conviction of harassment by telephone or by electronic communication device (Class E), 17-A M.R.S. § 506(1)(A) (2017),<sup>2</sup> entered by the court, asserting that his constitutional rights to engage in that

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<sup>1</sup> The court also found that Getchell sent these many messages over the course of five days, in addition to calling the girl through Facebook’s telephone feature seven times. She neither answered nor responded to any of Getchell’s calls.

<sup>2</sup> Title 17-A M.R.S. § 506 has since been amended, though the amendments are not relevant in the present case. *See* P.L. 2017, ch. 397, § 1 (effective Aug. 1, 2018) (codified at 17-A M.R.S. § 506 (2018)).

behavior were violated. *See* 15 M.R.S. § 2115 (2018); M.R. App. P. 2B(b)(1). Finding no factual or legal error, we affirm Getchell's conviction. *See* 17-A M.R.S. § 34(1), (4)(F) (2018); *Childs v. Ballou*, 2016 ME 142, ¶¶ 18-19, 148 A.3d 291; *State v. McLaughlin*, 2002 ME 55, ¶ 9, 794 A.2d 69; *State v. Hills*, 574 A.2d 1357, 1358 (Me. 1990); *State v. Maine State Troopers Ass'n*, 491 A.2d 538, 543 (Me. 1985); *State v. Gray*, 440 A.2d 1062, 1064 (Me. 1982); *Union Mut. Life Ins. Co. v. Emerson*, 345 A.2d 504, 507 (Me. 1975).

The entry is:

Judgment affirmed.

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Aaron Getchell

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