

STATE OF MAINE

v.

DAVID F. PAQUETTE

Submitted on Briefs May 30, 2019  
Decided June 18, 2019

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

#### MEMORANDUM OF DECISION

David F. Paquette appeals from a judgment of the court (Franklin County, *Mullen, J.*) denying his motion to (1) amend and terminate various conditions of his probation and (2) reopen the evidence, after his admission to violating a condition of his probation, to establish that he had not violated that condition. *See* M.R. App. P. 2B(b)(1); 15 M.R.S. § 2115 (2018). We affirm the judgment.<sup>1</sup>

Because Paquette does not properly raise any legal, factual, or discretionary errors, any arguments of error have been waived. *See State v. Haskell*, 2001 ME 154, ¶ 2 n.3, 784 A.2d 4; *State v. Babcock*, 361 A.2d 911, 913 n.1 (Me. 1976).<sup>2</sup> Even had he properly raised any arguments on appeal, we discern no error in the court's order denying his motion to amend and

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<sup>1</sup> After Paquette filed his notice of appeal, Rule 19 of the Maine Rules of Appellate Procedure was amended to clarify the appeal process regarding probation revocation or modification. *See* M.R. App. P. 19(a)(1)(B) (effective June 1, 2019).

<sup>2</sup> An unrepresented litigant is not entitled to preferential treatment. *Lightfoot v. State Legislature*, 583 A.2d 694, 695 (Me. 1990).

terminate his conditions of probation,<sup>3</sup> *see* 17-A M.R.S. § 1202(2), 1204 (2018); *In re A.M.*, 2012 ME 118, ¶ 29, 55 A.3d 463; *State v. Spencer*, 2003 ME 112, ¶ 6, 831 A.2d 419, or to reopen the evidence to allow him to show that he had not violated a condition of his probation, *see* M.R.U. Crim. P. 26(c); M.R. Evid. 802, 805, *State v. Tucker*, 2015 ME 68, ¶ 18, 117 A.3d 595; *State v. Holland*, 2012 ME 2, ¶ 31, 34 A.3d 1130.

Finally, contrary to Paquette’s argument that the Sex Offender Registration and Notification Act (SORNA), 34-A M.R.S. §§ 11271-304 (2018), is unconstitutional, we have repeatedly held that it is not. *See Doe I v. Williams*, 2013 ME 24, ¶¶ 63, 70, 61 A.3d 718; *State v. Letalien*, 2009 ME 130, 985 A.2d 4. Moreover, and contrary to Paquette’s argument, “the purpose and the principal effect of notification are to inform the public for its own safety, not to humiliate the offender.” *Williams*, 2013 ME 24, ¶ 34, 61 A.3d 718 (alterations omitted) (quoting *Smith v. Doe*, 538 U.S. 84, 99 (2003)).

The entry is:

Judgment affirmed.

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David Paquette, appellant pro se

The State of Maine did not file a brief

Franklin Unified Criminal Docket docket number CR-2013-419  
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<sup>3</sup> The court denied Paquette’s motion to amend as a condition of his probation the requirement that he pay a \$25 supervision fee and reduce the fee to either \$10 or waive it completely, and to terminate as conditions of probation that he (1) is prohibited from using the internet unless supervised, (2) obtain treatment from the Counseling and Psychotherapy Centers’ R.U.L.E. program, (3) complete substance abuse counseling, and (4) register as a sex offender pursuant to the Sex Offender Registration and Notification Act.