

BRYCE S. WORCESTER

v.

STATE OF MAINE

Argued November 19, 2020
Decided December 15, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Bryce S. Worcester appeals from a judgment of the Superior Court (Kennebec County, *Anderson, J.*) denying his petition to be discharged from the custody of the Commissioner of Health and Human Services pursuant to 15 M.R.S. § 104-A(1)(B) (2020). Worcester asserts that the court's assignment of the burden of proof, requiring him to prove his eligibility for discharge by clear and convincing evidence, was unconstitutional, and that section 104-A(1) is unconstitutionally vague. We decline to disturb our clear holdings in *Taylor v. Commissioner of Mental Health & Mental Retardation*, 481 A.2d 139, 150 (Me. 1984); *Green v. Commissioner of Mental Health & Mental Retardation*, 2000 ME 92, ¶ 24, 750 A.2d 1265; and *Beauchene v. State*, 2017 ME 153, ¶ 15, 167 A.3d 569, and therefore reject Worcester's assertions.

Furthermore, contrary to Worcester's final assertion, the trial court did not assign him a de facto burden to prove his case beyond a reasonable doubt. The court, by crediting the expert witness's testimony that Worcester's lack of insight about his mental health generally increased the likelihood of his dangerousness, did not clearly err in ultimately finding that Worcester had not

met his burden of proof. *See State v. Ferguson*, 2019 ME 10, ¶ 18, 200 A.3d 272; *In re Beauchene*, 2008 ME 110, ¶ 7, 951 A.2d 81.

The entry is:

Judgment affirmed.

Lawrence C. Winger, Esq. (orally), Portland, for appellant Bryce S. Worcester

Aaron M. Frey, Attorney General, and Laura A. Yustak, Asst. Atty. Gen. (orally),
Office of the Attorney General, Augusta, for appellant State of Maine

Kennebec County Superior Court docket number CV-1976-83
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