

PAT DOE¹

v.

SARAH CHERICO

Argued May 10, 2023
Decided May 23, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Sarah Cherico appeals from a judgment of the District Court (West Bath, *Field, J.*) granting Pat Doe a protection from abuse order against Cherico following an evidentiary hearing. *See* 19-A M.R.S. § 4007 (2022).² The court’s judgment was based on its ultimate finding that Doe was “a victim of conduct defined as stalking in Title 17-A, section 210-A.” 19-A M.R.S. § 4005(1) (2022).³

¹ Pursuant to federal law, we do not identify the plaintiff in this protection from abuse action and limit our description of events and locations to avoid revealing “the identity or location of the party protected under [a protection] order” as required by 18 U.S.C.S. § 2265(d)(3) (LEXIS through Pub. L. No. 117-362). *See Doe v. Tierney*, 2018 ME 101, n.1, 189 A.3d 756.

² Section 4007, which was effective at the time of the relevant conduct in this case, was repealed—along with the remainder of Title 19-A, chapter 101, governing protection from abuse actions—effective January 1, 2023. P.L. 2021, ch. 647, § A-2 (effective Jan. 1, 2023). The provisions of section 4007 applicable here were replaced by the substantively identical 19-A M.R.S. § 4110 (2023). P.L. 2021, ch. 647, § A-3 (effective Jan. 1, 2023).

³ The provisions of section 4005 applicable here were repealed and replaced by the substantively identical 19-A M.R.S. § 4103(1)(B)(1) (2023). P.L. 2021, ch. 647, §§ A-2, A-3 (effective Jan. 1, 2023).

Cherico contends that the judgment must be vacated because the court did not make an explicit finding that her conduct would have caused a “reasonable person . . . [t]o suffer serious inconvenience or emotional distress” as required by the statute. 17-A M.R.S. § 210-A(1)(A)(1) (2022) (emphasis added). Because Cherico did not move for further findings of fact pursuant to M.R. Civ. P. 52, “we must assume that the court found those facts necessary to support its conclusion from the evidence presented.” *In re Weapons Restriction of J.*, 2022 ME 34, ¶ 32, 276 A.3d 510 (alteration and quotation marks omitted). On this record, we conclude that the court correctly applied the “reasonable person” standard, 17-A M.R.S. § 210-A(1)(A)(1), and did not “create[] a special class of people in the stalking statute” as asserted by Cherico. *See State v. Murray-Burns*, 2023 ME 21, ¶ 18, 290 A.3d 542 (“We review questions of law de novo, including . . . the interpretation of a statute.” (quotation marks omitted)).

The entry is:

Judgment affirmed.

Jennifer A. Davis, Esq. (orally), Law Office of Jennifer A. Davis, Topsham, for appellant Sarah Cherico

John F. Barnicle, Esq. (orally), Moncure & Barnicle, Brunswick, for appellee Pat Doe