

STATE OF MAINE
APPLICATION FOR WEAPONS RESTRICTION ORDER
34-B MRS § 3862-A

Name (First, middle, last): [REDACTED]

AKA [REDACTED]

Address [REDACTED] Bridgton Maine 04015

DOB (mm/dd/yyyy): [REDACTED] Sex: Male

Race: W Height: 5'9" Weight: 185 Hair: Brown Eyes: Blue

Scars, marks, tattoos [REDACTED]

Driver's license # [REDACTED]

Social Security # [REDACTED]

Section 1. Application by Law Enforcement

A. Officer [Print name and rank] Officer Robert C. Pearce

Officer Contact Information 513-3001 ext. 6380

Agency and ORI Lewiston PD ME0010200

Agency Case # 20LEW-3111-OF

B. On 7/29/20 at 08:40, law enforcement took the person named above into protective custody pursuant to 34-B MRS § 3862 based on the probable cause outlined in Appendix 1 of this Application.

C. Location where person taken into custody: 38 Grove St. Lewiston, Maine 04240

D. I believe that the person named above possesses, controls or may acquire a dangerous weapon(s) based on the probable cause outlined in Appendix 1 of this Application.

E. Description and location of weapon(s), if known:

Two weapons taken during index incident. 1) .357 Ruger revolver 1) 9mm Glock Semi Auto Pistol

Robert Pearce
Signature of Officer

07/29/2020
Date

Section 2. Assessment by Medical Provider

A. Medical Practitioner (Print name): Stacey Labonte

License (Select one): Select one Nurse Practitioner - Psych

Practitioner Contact Information: (201) 755-3082

Physical Address 93 Campus Ave Lewiston ME 04240

B. I have found that [REDACTED] presents a likelihood of foreseeable harm within the meaning of 34-B MRS § 3862-A(1).

Likelihood of foreseeable harm means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

The likelihood of foreseeable harm is based on the following (attach additional statement as needed):

Patient was found with a loaded gun, and while in front of girlfriend, when he placed gun into his mouth threatening to shoot himself

C. Location of person at time of assessment St. Marys Behavioral Emergency Dept.

Check if telemedicine

D. Referral for treatment or services

Inpatient

Voluntary Hospitalization

Involuntary Hospitalization pursuant to 34-B MRS § 3863

Outpatient

E. Other Medical Professionals consulted, if any (Name, License, Contact Info)

[REDACTED]

Stacey Labonte NP
Signature of Medical Practitioner

07.29.2020
Date

Section 3. Judicial Endorsement

A. The law enforcement officer identified in Section 1 above has stated that [REDACTED] was taken into protective custody pursuant to 34-B MRS § 3862, and that the officer has probable cause to believe that [REDACTED] possesses, controls, or is likely to acquire a dangerous weapon(s).

B. The medical practitioner identified in Section 2 above has found that [REDACTED] presents a likelihood of foreseeable harm within the meaning of 34-B MRS § 3862-A.

C. Based on the above, and pursuant to 34-B MRS § 3862-A(4), I endorse this application and find that [REDACTED] is a restricted person pursuant to 34-B MRS § 3862-A(1)(K). This endorsement authorizes law enforcement to notify the restricted person as soon as possible, but no later than 24 hours from the time of this endorsement (1) that the person is prohibited from possessing, controlling, acquiring or attempting to acquire a dangerous weapon pending the outcome of a judicial hearing, (2) that the person must immediately and temporarily surrender any weapons possessed, controlled, or acquired by the person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and (3) that the person has a right to a judicial hearing within 14 days of notice.

<p>ANDREW CHATE (Printed Name of Judicial Officer)</p>	<p>Select one JUSTICE OF THE PEACE</p>
<p><i>Andrew Chate</i> (Signature)</p>	<p>29 July 2020 17:14 (Date and Time)</p>

Transmit this Application with signed judicial endorsement to the Department of Public Safety by email RCC.Bangor@maine.gov or fax (207) 941-8531. Confirm receipt by calling (207) 973-3700, Option 9.

<p>Transmitted to DPS on 7/29/20 (Date)</p>	<p>at [REDACTED] (Time)</p>	<p>by OFFICER SCHMITZ</p>
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APPENDIX 1
OFFICER'S STATEMENT OF PROBABLE CAUSE

Based on the probable cause outlined below, I took [REDACTED] into protective custody on 07/29/2020 at 08:40 in Lewiston, Maine pursuant to 34-B MRS § 3862, and I believe that [REDACTED] possesses, controls, or may acquire a dangerous weapon(s).

[Include the information that gave rise to the probable cause determination for protective custody and the belief that the person possesses, controls, or may acquire a dangerous weapon(s), as well as a description of recent or recurring actions and behaviors. Attach the person's pertinent criminal history record information (convictions and non-convictions), as well as all available pertinent investigative record information. Also, include a description and location of dangerous weapons, if known.]

On 07/29/20 at approx. 0828 hours Officer Todd MacWhinnie and I were dispatched to 38 Grove Street for the report of a Domestic. A female, later identified as [REDACTED] asked a third party to call the police because they were arguing and her boyfriend, later identified as [REDACTED], had a gun. There were no threats made according to the initial call.

I arrived on scene first and observed both parties inside a pick-up parked in the driveway. I approached from the rear and knocked on the back of the truck. [REDACTED] was sitting in the driver's seat with his window rolled up. I spoke to him through the window and asked to see his hands and asked if he had any weapons in the truck. [REDACTED] said he had two guns. None were observed in his hands at this time. I asked him where they were. He said by the door and on the center console. I asked him to roll down the window. Instead he slowly opened the door, revealing a Ruger 357 revolver that was between the driver's seat and door. The gun was cocked with the hammer pulled back. I slowly picked up the gun and placed it out of his reach on another vehicle until Officer MacWhinnie arrived. I asked [REDACTED] to take the other gun and exit the vehicle. She did this with out incident and handed it to Officer MacWhinnie when he arrived.

I then asked [REDACTED] to step out of the truck and asked him what was going on. He refused to talk about the incident only saying that [REDACTED] cheated on him. He asked where he could pick up his guns and he just wanted to go home, still refusing to elaborate on the incident.

I spoke to [REDACTED] separately and asked her what was going on. She said that [REDACTED] was threatening to kill himself and had put the gun in his mouth. [REDACTED] was advised he was being taken into protective custody. He refused and was physically restrained, place into handcuffs and transported to St. Mary's Crisis.

Robert Pearce
Signature of Officer

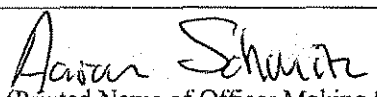
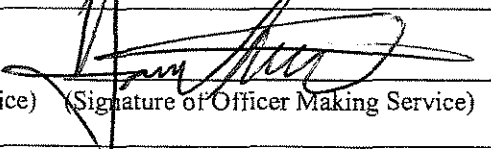
07/29/2020
Date



**STATE OF MAINE
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NOTICE OF SERVICE ON RESTRICTED PERSON

TO: [REDACTED]

1. Law enforcement took you into protective custody.
2. A qualified medical practitioner found that you currently present a likelihood of foreseeable harm, and a judicial official endorsed that determination.
3. You may not possess, control, or acquire or attempt to possess, control, or acquire a firearm or other dangerous weapon until a court dissolves the restriction. You must surrender to law enforcement any firearms or other dangerous weapons currently in your possession or control. If you immediately comply with the surrender order, you are not subject to arrest or prosecution as a person prohibited from possessing or controlling dangerous weapons.
4. If you do not comply with the surrender order or if you possess, control, or acquire or attempt to possess, control, or acquire a dangerous weapon during the period of restriction, you are subject to arrest and prosecution as a person prohibited from possessing or controlling dangerous weapons.
5. You have a right to a court hearing within 14 days of this notice during which you may engage legal counsel, which a court may appoint if you are indigent.
6. Any firearms or other dangerous weapons you surrendered to law enforcement will be returned to you if the court dissolves the restrictions.

 (Printed Name of Officer Making Service)	 (Signature of Officer Making Service)	<p style="text-align: right;">7-29-20 1734</p> (Date & Time of Service)
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 (Printed Name of Restricted Person)	 (Signature of Restricted Person)
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Transmit this Notice of Service on Restricted Person to the Department of Public Safety by email RCC.Bangor@maine.gov or fax (207) 941-8531. Confirm receipt by calling (207) 973-3700, Option 9.

Transmitted to DPS on		at		by	
	(Date)		(Time)		