

JAIME JOHNSON¹

v.

RODRICK HALL

Submitted on Briefs July 19, 2022

Decided July 26, 2022

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

MEMORANDUM OF DECISION

Rodrick Hall appeals from a protection from harassment order entered in the District Court (Dover-Foxcroft, *Larson, J.*) after a testimonial hearing on Jaime Johnson’s complaint. Contrary to Hall’s contentions, the court was not required to dismiss Johnson’s complaint when it did not grant a temporary order because notice was not required, as the initial complaint alleged stalking behavior. *See* 5 M.R.S. § 4653(1) (2022); 17-A M.R.S. § 210-A(1)(A) (2022). Additionally, although Hall had a legal right to use the right-of-way on Johnson’s property, there was competent record evidence to support, by a preponderance of the evidence, the court’s finding of harassment. *See* 5 M.R.S. §§ 4651(2)(A), 4655 (2022); *Cates v. Donahue*, 2007 ME 38, ¶ 11, 916 A.2d 941 (“[E]ven when an individual may have a legal right to do something, the manner in which a legal act is performed can constitute harassment.”); *Allen v. Rae*, 2019 ME 53, ¶ 9, 206 A.3d 902.

¹ Cognizant of the federal Violence Against Women Act, we note that this matter does not involve a judicial determination that domestic violence or stalking occurred and we therefore name Johnson in the decision. *See* 18 U.S.C. §§ 2265(d)(3), 2266(5)(B) (Lexis through Pub. L. No. 117-159).

The entry is:

Judgment affirmed.

Beth L. Seaney, Esq., Seaney Law Office, LLC, Bangor, for appellant Rodrick Hall

Brittanie Thomas, Esq., Penquis Law Project, Bangor, for appellee Jaime Johnson

Dover-Foxcroft District Court docket number PA-2021-64
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