

**STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

DOCKET NO. Pen-25-475

STATE OF MAINE

APPELLEE

v.

JOHN J. HANSEN

APPELLANT

ON APPEAL FROM THE PENOBSCOT COUNTY UNIFIED CRIMINAL DOCKET,
BANGOR, ME

BRIEF OF APPELLEE STATE OF MAINE

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STATEMENT OF THE FACTS

Because this is Mr. Hansen’s second direct appeal (and the first remains pending before this Court), the unusual procedural posture warrants a brief summary of the factual and procedural history relevant to this appeal of the trial court’s denial of Mr. Hansen’s motion for a new trial.

After a bench trial on a ten-count indictment, Mr. Hansen was found guilty of Counts 2, 3, 4, 7, 8, 9, and 10, and acquitted on Counts 1, 5, and 6. (*See* A. 23–26.) After the verdict, but before sentencing, Mr. Hansen filed a motion for mental examination on March 13, 2023.¹ (*See* A. 8.) On March 30, 2023, that motion was granted and the trial court issued an order for the evaluation of Mr. Hansen’s mental condition with respect to psychiatric conditions relevant to sentencing. (A.73–74.) After meeting with Mr. Hansen twice in May of 2023, Dr. Audrey Masilla of the State Forensic Service authored a letter to the trial court, dated May 31, 2023, in which she expressed “concerns regarding Mr. Hansen’s ability to assist counsel in a meaningful and rational manner.” (A. 75.) After a suggestion by the Director of the State Forensic Service and an unopposed motion for an evaluation to determine issues of competence, the trial court ordered an examination of Mr. Hansen for that

¹ As noted by the trial court, “Mr. Hansen did not seek an evaluation of either his competency or his criminal responsibility before trial.” (A. 33.)

purpose on June 9, 2023. (A. 79–80; *see* A. 76–78.) That evaluation was conducted by Dr. Masilla, who authored a report dated August 15, 2023. (A. 82–89.) Dr. Masilla simultaneously authored a second report regarding Mr. Hansen’s mental conditions relevant to other issues, and both reports were filed with the court on August 21, 2023. (*See* A. 10, 91–103.)

On August 31, 2023, Mr. Hansen filed a motion for a new trial, a “Motion for Temporary Commitment for Forensic Observation,” and a “Request for a Competence Hearing.” (A. 45–46, 104–07.) The State filed responses to all three submissions on September 27, 2023. (*See* A. 11.) At a hearing on January 16, 2024, the trial court found Mr. Hansen competent to proceed with sentencing, determined that the “Motion for Temporary Commitment for Forensic Observation” was moot, and deferred hearing on the motion for a new trial until after sentencing. (*See* A. 11.)

The sentencing hearing, which had originally been set for June 30, 2023, was eventually held on January 30, 2024. (*See* A. 9, 12, 23–28.) After entry of the convictions, Mr. Hansen filed a notice of appeal on January 31, 2024. (A. 15. This Court took Mr. Hansen’s first appeal under advisement after oral argument, but upon realizing that the trial court had not acted on Mr.

Hansen's motion for a new trial, this Court directed the trial court to conduct a hearing and then act on that motion. (*See* A. 16.)

On December 17, 2024, the trial court requested that both parties submit further written argument regarding Mr. Hansen's motion for a new trial. (*See* A. 17.) Mr. Hansen filed his written argument on April 16, 2025. (A. 19; *see* A. 49–59.) The State filed its written argument on June 16, 2025, and Mr. Hansen filed his reply on June 20, 2025. (A. 20–21; *see* A. 60–70.) The trial court held a hearing on August 19, 2025, after which it took the motion under advisement. (A. 21.) On September 30, 2025, the trial court issued an order denying Mr. Hansen's motion for a new trial. (A. 21.) Mr. Hansen filed his second notice of appeal on October 16, 2025. (*See* A. 21.)

STATEMENT OF THE ISSUES PRESENTED

- I. Whether the trial court erred in denying the motion for a new trial insofar as that motion was based on the grounds of newly discovered evidence.**

- II. Whether the trial court erred in denying the motion for a new trial insofar as that motion was based on the grounds of a due process violation.**

ARGUMENT

Mr. Hansen presents a single issue for review that is focused on the trial court's erroneous determination, as he frames it, that a defendant's due process rights "are not implicated by bona fide doubts about his competence that arise immediately after trial and before sentencing." (Blue Br. 16.) As discussed further below, this is not an accurate summary of the trial court's conclusion in its denial of Mr. Hansen's motion for a new trial.

The bases for Mr. Hansen's motion for a new trial appear to have evolved over the pendency of that motion. Mr. Hansen's original motion for a new trial implied that Dr. Masilla's report was newly discovered evidence within the meaning of M.R.U. Crim. P. 33, and argued that the entry of the verdicts against Mr. Hansen was therefore a violation of his due process rights. (A. 46.) In later memoranda in support of that motion, Mr. Hansen's counsel elucidated the applicable standard for the trial court to apply when evaluating a motion for a new trial based on newly discovered evidence: *State v. Twardus*, 2013 ME 74, 72 A.3d 523. (See, e.g., A. 53.) As the trial court noted, however, Mr. Hansen apparently "conflate[d] two standards" by suggesting a substitution for the first *Twardus* criterion. (A. 36.) The trial court interpreted Mr. Hansen's argument as presenting two distinct bases for his motion for a

new trial and analyzed them separately: first, a due process claim based on *Pate v. Robinson*, 383 U.S. 375 (1966), and second, a motion for a new trial based on newly discovered evidence, pursuant to *State v. Twardus*, 2013 ME 74, 72 A.3d 523 and M.R.U. Crim. P. 33. (See A. 36.)

Although Mr. Hansen apparently challenges only the trial court's conclusion regarding the due process claim, this brief addresses each issue in turn. The standard of review is the same for both: this Court reviews the denial of a motion for a new trial "for an abuse of discretion, with any findings underlying the decision reviewed for clear error."² *State v. Lowery*, 2025 ME 3, ¶ 24, 331 A.3d 268; see also *Twardus*, 2013 ME 74, ¶ 29, 72 A.3d 523.

I. The trial court did not err in denying the motion for a new trial insofar as that motion was based on the grounds of a due process violation.

As in his motion for a new trial, the primary authority Mr. Hansen cites in support of his argument is *Pate v. Robinson*, 383 U.S. 375 (1966). In *Pate*, the Supreme Court of the United States granted certiorari to "resolve the

² In *State v. Jeskey*, 2016 ME 134, 146 A.3d 127, this Court noted the "three questions" that must be resolved in review for abuse of discretion: "(1) are factual findings, if any, supported by the record according to the clear error standard; (2) did the court understand the law applicable to its exercise of discretion; and (3) given all the facts and applying the appropriate law, was the court's weighing of the applicable facts and choices within the bounds of reasonableness." 2016 ME 134, ¶ 49 n.13, 146 A.3d 127 (quotation marks omitted).

difficult questions of state-federal relations posed by [earlier] rulings” in that case, which included denial of a petition for habeas corpus by the United States District Court for the Northern District of Illinois. *Pate*, 383 U.S. at 377. The Supreme Court held that “[w]here the evidence raises a ‘bona fide doubt’ as to a defendant’s competence to stand trial, the judge on his own motion must . . . conduct a [competency] hearing,” and that failure to do so constitutes a deprivation of the defendant’s right to a fair trial. *Id.* at 385.

Later that same year, this Court summarized the Supreme Court’s decision in *Pate*, but found that case was not controlling in its review of a petition for the issuance of the writ of coram nobis.³ *Thursby v. State*, 223 A.2d 61, 67 (Me. 1966). However, this Court recognized the same constitutional principles espoused in *Pate* and established a parallel duty pursuant to Maine law. *See id.* at 68–69. Although “the initial responsibility of raising the question of incompetence of the accused to stand trial is on his counsel,” under certain circumstances, the trial court also has a duty to “order an inquiry concerning defendant’s competence to stand trial”: namely, “if the trial court learns from observation, reasonable claim or credible source that there

³ The common law remedy of coram nobis was abolished by “the enactment of the original [statutory] post-conviction review mechanism in 1963 and the revisions enacted in 1980.” *State v. Blakesley*, 2010 ME 19, ¶ 23, 989 A.2d 746.

is genuine doubt of defendant’s mental condition to comprehend his situation or make his defense.” *Id.* at 68.

As noted above, this Court reviews the denial of a motion for new trial for an abuse of discretion. *See Lowery*, 2025 ME 3, ¶ 24, 331 A.3d 268; *see also Thursby*, 223 A.2d at 68–69 (stating that a trial court’s determination regarding “[t]he necessity for an inquiry [as to defendant’s competence] under the particular circumstances addresses itself to the sound discretion of the court and its decision will not be disturbed except for arbitrary action or abuse of judicial discretion”). Additionally, “the reviewing court must determine if the record includes evidence which would support the lower court’s ruling.” *State v. Ledger*, 444 A.2d 404, 418 (Me. 1982); *see also State v. Hewett*, 538 A.2d 268, 269 (Me. 1988) (clarifying that when reviewing the question of whether there has been a violation of a defendant’s procedural due process rights relating to his competence to stand trial, this Court makes that determination by reviewing the record).⁴

⁴ When reviewing the denial of a petition for post-conviction review in a 1983 case, this Court distinguished the substantive and procedural due process rights relating to a defendant’s competence to stand trial, noting that “[w]hether a criminal defendant was accorded procedural due process at trial is a different question from whether his substantive due process right not to be tried when incompetent was in fact violated.” *Clement v. State*, 458 A.2d 69, 73 (Me. 1983). These two questions are reviewed at different procedural postures; whether there has been a violation of the substantive due process right not to be tried when incompetent “can only be determined by an evidentiary hearing on a petition for post-conviction review,” whereas the question of whether a

This Court has found no abuse of discretion where, although the trial court did not raise the issue of a defendant's competence to stand trial sua sponte, "[t]here [was] nothing in the record to indicate that the justice was ever put on notice by observation, reasonable claim, or credible source that defendant was incompetent to stand trial." *State v. Furrow*, 424 A.2d 694, 698 (Me. 1981). Even where, despite the issue of competence to stand trial having been raised, the trial court decided not to hold a competency hearing, this Court has found no abuse of discretion where the trial court's decision was supported by evidence in the record. *See Ledger*, 444 A.2d at 419; *Hewett*, 538 A.2d at 269.

This Court has emphasized that a trial court is only required to make inquiry into a defendant's competence to stand trial if "the court becomes aware of a *genuine* doubt as to the defendant's competence to stand trial." *Ledger*, 444 A.2d at 418; *see also State v. Jeskey*, 2016 ME 134, ¶ 52, 146 A.3d 127. Further, in its review of the record, this Court gives particular weight to the trial court's observations of the defendant's demeanor. *See, e.g., Furrow*, 424 A.2d at 698 ("[T]he justice had ample opportunity to evaluate defendant's

defendant's procedural due process rights have been violated is "determine[d] by reviewing the record." *Hewett*, 538 A.2d at 269.

competence to stand trial in considering and granting his motion to conduct his own defense at that trial.”); *Hewett*, 538 A.2d at 270 (“Although the Defendant did not testify at the trial, the court had an opportunity to carefully observe the Defendant at that time and to personally observe and interrogate the Defendant during the jury-waiver hearing approximately six weeks before trial.”); *Ledger*, 444 A.2d at 419 (“Of primary significance is the court’s opportunity to observe firsthand the behavior of the defendant during the course of his testimony and throughout the trial itself.”); *Jeskey*, 2016 ME 134, ¶ 52, 146 A.3d 127 (“[F]ollowing the extended recess during trial to give [defendant] time to decide whether she wanted to testify, the court engaged in a careful colloquy with her regarding her wishes, and at no time did she demonstrate psychosis; rather, she answered the court’s questions in an appropriate and rational manner.”).

In this case, the trial court evaluated the evidence known to it at the time of Mr. Hansen’s trial to determine whether it was obligated to hold a competency hearing sua sponte, and found that “there was no information known to the court throughout the trial that raised a bona fide doubt about Mr. Hansen’s competency.” (A. 36–38.) That conclusion is supported by the evidence in the record before this Court. Further, the trial court’s analysis

demonstrated an understanding of the applicable law regarding the circumstances under which it has a duty to hold a competency hearing on its own motion, pursuant to *Pate* and *Thursby*, as well as the definition of competence to stand trial sufficient to meet the due process requirements.⁵ (See A. 36.) Finally, “the [trial] court’s weighing of the applicable facts and choices was within the bounds of reasonableness,” and there was therefore no abuse of discretion. *Jeskey*, 2016 ME 134, ¶ 54, 146 A.3d 127.

II. The trial court did not err in denying the motion for a new trial insofar as that motion was based on the grounds of newly discovered evidence.

Because Mr. Hansen’s motion for a new trial was filed more than fourteen days after the verdict, the only basis for that motion properly before the trial court was newly discovered evidence. See M.R.U. Crim. P. 33; *State v. Clements*, 431 A.2d 67, 68-69 (Me. 1981). The trial court did not abuse its discretion in denying Mr. Hansen’s motion for a new trial, to the extent that the premise of the motion was that Dr. Masilla’s report regarding Mr. Hansen’s competence to stand trial was “newly discovered evidence.”

⁵ Although the trial court cited more recent case law, the standard is the same as established by this Court in *Thursby*: “Competence to stand trial sufficient to meet the requirements of due process means that the accused is capable of understanding the nature and object of the charges and proceedings against him, of comprehending his own condition in reference thereto, and of conducting in cooperation with his counsel his defense in a rational and reasonable manner.” *Thursby*, 223 A.2d at 66.

As a preliminary matter, information regarding a defendant's competence to stand trial is not "newly discovered evidence" within the meaning of M.R.U. Crim. P. 33. As the State previously conceded, "the specific opinion of Dr. Masilla and the accompanying reasons . . . was not available to counsel before trial." (A. 64.) However, this Court's precedent establishes that "[n]ewly discovered evidence is that which could have been presented *at trial* if it had been discovered in time" and that has "relevance to the innocence or guilt of defendant." *State v. Daly*, 2021 ME 37, ¶ 50, 254 A.3d 426; *Clements*, 431 A.2d at 69. A defendant's competence to stand trial has no relevance to innocence or guilt, and therefore competence cannot constitute newly discovered evidence within the meaning of M.R.U. Crim. P. 33.

This conclusion is further illustrated in this case by the trial court's summary of the implications following from Mr. Hansen's argument that he was not competent and was entitled to a new trial: that had Mr. Hansen been evaluated for competency before trial he "would have been found not competent," and therefore "[t]he trial would not have been held and Mr. Hansen would not have been convicted." (A. 41.) Mr. Hansen's competence to stand trial is not evidence relevant to his guilt or innocence, and therefore the criteria established in *Twardus* for evaluating a motion for a new trial based

on newly discovered evidence are inapplicable. *See Twardus*, 2013 ME 74, ¶ 29, 72 A.3d 523,

Nevertheless, without considering whether a defendant's competence constitutes newly discovered evidence within the meaning of *Twardus* and M.R.U. Crim. P. 33, the trial court analyzed Mr. Hansen's motion for a new trial based on his "argument . . . that Dr. Masilla's report constitute[d] newly discovered evidence that entitle[d] him to a new trial." (A. 38; *see* A. 43.) The trial court summarized Mr. Hansen's contentions as to this issue, which included (in parallel with his arguments as to the due process issue) that "[i]t was incumbent on the court to order a competency hearing when Mr. Hansen's disordered thought became apparent," and that "[b]ecause the hearing was not held and [could not] . . . be held retroactively, Mr. Hansen [was] entitled to a new trial." (A. 39.)

When reviewing the denial of a Rule 33 motion for a new trial based on newly discovered evidence, this Court "review[s] the court's findings of fact for clear error and its determination of whether the defendant has met the necessary elements for an abuse of discretion." *Twardus*, 2013 ME 74, ¶ 29, 72 A.3d 523.

Setting aside for the sake of argument the State's position that a motion for a new trial is not the proper mechanism for Mr. Hansen's claim because Dr. Masilla's report does not constitute "newly discovered evidence" within the meaning of *Twardus* and M.R.U. Crim. P. 33, the trial court's findings of fact are supported by evidence in the record and the trial court did not abuse its discretion by denying Mr. Hansen's motion for a new trial insofar as that motion was based on the grounds of newly discovered evidence.

In its discussion on this issue, the trial court considered Dr. Masilla's report in conjunction with the other evidence known to the court at the time of trial. (See A. 40–44.) The trial court noted that its own observations of Mr. Hansen's demeanor at trial, where he exhibited skills associated with competency, were consistent with the same skills he demonstrated in the evaluation conducted by Dr. Masilla. (A. 39–40.) Specifically, the trial court stated that "Mr. Hansen was obviously oriented to his surroundings and he conducted himself as the trial setting required," his "presentation in court show[ed] he understood the trial process and the function of each person within it," and "[h]e was able to testify responsively and in detail about himself, his personal history, his relationships, his work, and the events for which he was charged." (A. 39–40.)

On the other hand, the trial court also found that there was no evidence indicating that Mr. Hansen was not competent at the time of trial, and specifically found that “there [was] no indication that Mr. Hansen was unable to assist . . . in his own defense” despite his apparent distrust of his attorney, as revealed by Dr. Masilla’s report. (A. 41.) Further, “there [was] no evidence that Mr. Hansen’s apparent paranoia, delusions, and tangential speech,” as detailed in Dr. Masilla’s report, “impaired his ability to cooperate with [his trial attorney] to conduct his defense,” and “[t]here [was] also no evidence that the symptoms Dr. Masilla observed had any actual impact on Mr. Hansen’s ability to perform any of the other functions [associated with competence to stand trial].”⁶ (A. 42–43.) These findings are all supported by the record.

The first criteria within the *Twardus* analysis requires a defendant to establish, by clear and convincing evidence, that “the [newly discovered] evidence is such as will probably change the result if a new trial is granted.”

⁶ It is worth noting that Neither Dr. Masilla’s initial letter, nor her report, appears to contain any opinions regarding whether Mr. Hansen was competent at the time of trial or suggestions of any concern about his competence during trial. (See A. 75, 82–89.) Mr. Hansen’s “Request for a Competence Hearing,” filed on August 31, 2023, similarly did not address any retroactive concerns, but instead requested a hearing to determine whether Mr. Hansen was competent to engage in further proceedings, i.e., sentencing. (See A. 106–07.)

Twardus, 2013 ME 74, ¶ 29, 72 A.3d 523. However, as the trial court identified, Mr. Hansen argued that the proper analysis of his motion for a new trial involved a different inquiry: “whether Mr. Hansen was probably deprived of his due process right of having his competency assessed and confirmed.” (A. 36.) The trial court found, after a discussion of the evidence relevant to Mr. Hansen’s competence to stand trial (both present in and absent from the record) alongside the applicable law, that “Dr. Masilla’s report [did] not demonstrate, by clear and convincing evidence, a probability that Mr. Hansen was incompetent.” (A. 43.)

Despite the apparent initial confusion regarding the overarching legal standard to be employed, the trial court demonstrated an understanding of the applicable law governing other aspects of the case. First, the trial court noted the distinction between an inquiry into a defendant’s competence to stand trial and an inquiry into a defendant’s state of mind for purposes of advancing a defense regarding criminal responsibility, and characterized “[t]he manifestations of Mr. Hansen’s disordered thinking that were apparent at trial” as falling into the latter category. (A. 39.) The trial court went on to review, with some specificity, the substance of Mr. Hansen’s testimony at trial. (A. 40–41.) Further, the trial court properly reviewed and applied to its

analysis factors it was permitted to “consider in determining whether a defendant is able to assist counsel in a reasonable manner,” as laid out in *State v. Gerrier*, 2018 ME 160, 197 A.3d 1083. (A. 42.)

Based on the relevant and applicable legal standards, the trial court weighed the absence of any evidence indicating that Mr. Hansen was not competent at the time of trial against the court’s observations at trial, which were consistent with Dr. Masilla’s observations during the evaluation, that indicated “Mr. Hansen was fully capable of understanding the nature and object of the charges and proceedings against him and of comprehending his own condition in reference to them.”⁷ (A. 43.) “[T]he [trial] court’s weighing of the applicable facts and choices was within the bounds of reasonableness,” and there was therefore no abuse of discretion. *Jeskey*, 2016 ME 134, ¶ 54, 146 A.3d 127.

⁷ Generally, there is a presumption that a defendant in a criminal case is competent to stand trial. See *State v. Gerrier*, 2018 ME 160, ¶ 8, 197 A.3d 1083 (“Although Maine’s competency statutes do not state the presumption outright, we infer its existence from our case law and the procedures established by the Legislature through which a defendant’s competency may be challenged.”).

CONCLUSION

Mr. Hansen’s framing of the single issue he presents on appeal does not accurately summarize the trial court’s conclusion that formed the basis of its denial of his motion for a new trial. Regardless, this Court should review the trial court’s denial of that motion “for an abuse of discretion, with any findings underlying the decision reviewed for clear error.” *Lowery*, 2025 ME 3, ¶ 24, 331 A.3d 268. Application of that analysis demonstrates that the trial court did not err in denying Mr. Hansen’s motion for a new trial, whether the denial was based on a due process claim or an assertion of newly discovered evidence. The trial court’s denial of Mr. Hansen’s motion for a new trial should therefore be affirmed.

Respectfully submitted,

Dated: March 17, 2026

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CERTIFICATE OF SERVICE

As required by M.R. App. P. 7(c), I certify that I have this 17th day of March, 2026, sent a copy of this brief to the Clerk of the Law Court and Attorney Rory McNamara via email. Upon acceptance by the Clerk of the Law Court, I will deliver ten printed copies to the Law Court and two printed copies to Attorney Rory McNamara, Counsel for the Appellant, at P.O. Box 143, York, ME 03909.

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