

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions

Decision: 2026 ME 102

Docket: Aro-23-352

Argued: October 8, 2024

Decided: September 22, 2026

Panel: STANFILL, C.J., and MEAD, CONNORS, LAWRENCE, DOUGLAS, and LIPEZ, JJ, and HORTON, A.R.J.*

Majority: CONNORS, LAWRENCE, DOUGLAS, and LIPEZ, JJ., and HORTON, A.R.J.

Dissent: MEAD, J., and STANFILL, C.J.

STATE OF MAINE

v.

CHRISTINE A. DESROSIERS

HORTON, A.R.J.

[¶1] The primary question of law presented in this appeal is the meaning of the phrase “[u]ses physical force against [a] law enforcement officer” in the statute defining the criminal offense of refusing to submit to arrest or detention, 17-A M.R.S. § 751-B(1)(B) (2026). Our interpretation of the phrase leads us to conclude that the evidence presented at trial was sufficient to support the jury’s verdict finding Christine A. Desrosiers guilty of refusing to submit to detention by using physical force against a law enforcement officer.

* Justice Horton sat at oral argument and participated in the initial conference while he was an Associate Justice and, as directed and assigned by the Chief Justice, is now participating in this appeal as an Active Retired Justice. Although she did not sit at oral argument or participate in the initial conference, Justice Lipez is also participating in this appeal as directed and assigned by the Chief Justice.

[¶2] Desrosiers appeals from a judgment of the trial court (Aroostook County, *Nelson, J.*), entered after a jury trial, convicting her of refusing to submit to arrest or detention by using physical force against a law enforcement officer (Class D), *id.*; operating an unregistered vehicle (Class E), 29-A M.R.S. § 351(1)(E) (2026);¹ and violating a condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2026).² We vacate Desrosiers's conviction for operating an unregistered motor vehicle and affirm the remainder of the judgment.

I. BACKGROUND

[¶3] The parties stipulated that for the entire month of May 2023 Desrosiers was on pre-conviction bail that included the condition that she commit no criminal act.³ When the evidence is considered in the light most consistent with the verdict, the jury could reasonably have found the following additional facts. *See State v. Fay*, 2015 ME 160, ¶ 2, 130 A.3d 364.

[¶4] On May 19, 2023, Desrosiers was driving a Chevrolet Trailblazer in Presque Isle, and Desrosiers's mother, Jean Moyer, was riding in the passenger

¹ Title 29-A M.R.S. § 351 was amended in 2023, *see* P.L. 2023, ch. 257, § 5 (effective Oct. 25, 2023) but the amendment is not relevant to this appeal.

² Title 15 M.R.S. § 1092 was amended in 2023, *see* P.L. 2023, ch. 293, § 1 (effective Oct. 25, 2023) but the amendment is not relevant to this appeal.

³ Desrosiers was on pre-conviction bail on charges of two counts of intentionally endangering the welfare of a dependent person (Class C), 17-A M.R.S. § 555(1)(B) (2026).

seat. A police sergeant on patrol in a marked police cruiser noticed that the Trailblazer did not have an inspection sticker, so he activated the police cruiser's emergency lights and followed the Trailblazer into a store parking lot.

[¶5] The registration plates on the vehicle indicated that the registration was valid through the end of May 2023, but the vehicle was not registered to Desrosiers, whom the sergeant knew from prior encounters. When the sergeant approached the stopped vehicle, Desrosiers had raised the hood of the Trailblazer and was filling the power-steering reservoir. The sergeant asked Desrosiers repeatedly for her license, registration, and proof of insurance. Desrosiers accused him of harassing her and told him that she had a constitutional right to refuse to produce her license. She said that the vehicle was registered to her former employer who had passed away and whose family had just sold the vehicle to Desrosiers. The sergeant warned her that she could be arrested if she persisted in refusing his request for her license, registration, and proof of insurance. After she swore at him and continued putting fluid into the vehicle, the sergeant called for assistance and told her that he had done so. Desrosiers again accused him of harassing her and violating her constitutional rights. Meanwhile, Moyer found Desrosiers's license and gave it to the sergeant. Desrosiers then showed the sergeant a handmade paper registration plate with

the word "LIBERTY" printed on it, stating that it was going to go on the vehicle. She then went to the driver's side of the vehicle, with the sergeant following her. He directed her to turn to face the vehicle and put her hands behind her back, and he told her that he was detaining her. With her back against the vehicle, Desrosiers responded by crossing her arms. With other officers now present, the sergeant repeated his directive, but Desrosiers maintained her stance and accused him of violating the Constitution. When the sergeant took hold of her arms, she tried to pull away, but he drew them apart and down, turned her around and placed her wrists in handcuffs. Desrosiers promptly dropped to the ground so that the officers had to carry her to the sergeant's cruiser. When the officers placed her in the back seat of the cruiser, Desrosiers stuck her foot outside the cruiser. One of the officers had to push her foot inside the cruiser so that he could close the door.

[¶6] Moyer provided the police with proof of motor vehicle insurance and explained that she did not have the vehicle's registration but that the vehicle was going to be registered in Florida. Meanwhile, Desrosiers was screaming and crying in the back seat of the police cruiser, banging her head against and kicking at the plastic divider and thrashing about. Although handcuffed, Desrosiers managed to unbuckle her seatbelt while the cruiser was

still parked. The sergeant stunned Desrosiers with a taser,⁴ and the other officers secured the seatbelt again. Desrosiers complained that her handcuffs were too tight, and one of the officers unlocked the handcuffs and put them back on.

[¶7] On May 22, 2023, Desrosiers was charged by complaint with three counts:

- Count 1: Refusing to submit to arrest by using physical force against a law enforcement officer (Class D), 17-A M.R.S. § 751-B(1)(B) (2026);
- Count 2: Operating an unregistered vehicle (Class E), 29-A M.R.S. § 351(1)(E) (2026); and
- Count 3: Violating a condition of release (Class E), 15 M.R.S. § 1092(1)(A) (2026).

The court (Aroostook County, *Nelson, J.*) held a jury trial on September 8, 2023. The court heard testimony from the police sergeant, two other law enforcement officers, Desrosiers, and Moyer. The court admitted footage from the body camera that the sergeant had worn throughout his interaction with Desrosiers. The court also admitted, over Desrosiers's objection under Maine Rule of

⁴ In his testimony during direct examination, the sergeant explained that a “[d]eployment [of a taser] is firing the electrodes on the end of the [taser] device towards the subject from a distance,” and deployment of “[a] drive stun is using the probes on the end of the [device] to exhibit some electrical force rather than actually deploying the device.”

Evidence 403, two minutes of footage of Desrosiers in the back of the police cruiser.⁵

[¶8] After the State rested its case, Desrosiers moved for a judgment of acquittal as to the refusing-to-submit charge in Count 1. *See* M.R.U. Crim. P. 29. The court denied the motion. Desrosiers renewed the motion after she rested her case, and the court again denied the motion. The jury found Desrosiers guilty on all three counts.

[¶9] Desrosiers filed another motion for judgment of acquittal as to Count 1 “because an essential element of the offense is the use of physical force against a law enforcement officer, and there was absolutely no evidence of such use of force.” Desrosiers also filed a motion for a stay of execution pending appeal. The court denied the motion for acquittal and granted the motion for a stay of execution pending appeal. The court held a sentencing hearing on September 12, 2023, and sentenced Desrosiers to seven days in the county jail as to Count 1, two days in the county jail as to Count 2, and two days in the

⁵ Relying on M.R. Evid. 401 and 403, Desrosiers objected to admission of the 82-minute video depicting her inside the police cruiser on the ground that it is “clearly not probative of . . . the use of force against an officer.” Although the court agreed that Desrosiers’s Rule 403 objection to admission of the entire video was valid, it found that the video was somewhat probative of Desrosiers’s intent to prevent the officers from detaining her. The court appropriately exercised its discretion in admitting in evidence two minutes of the video.

county jail as to Count 3, all to be served concurrently. Desrosiers timely appealed. *See* M.R. App. P. 2B(b)(1).

II. DISCUSSION

A. The Charge of Refusing to Submit to Arrest

[¶10] Under Maine law, a person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay, or prevent a law enforcement officer from arresting or detaining the person, the person

A. Refuses to stop on request or signal of a law enforcement officer[, which is] a Class E crime;

B. Uses physical force against the law enforcement officer[, which is] is a Class D crime; or

C. Creates a substantial risk of bodily injury to the law enforcement officer[, which is] a Class D crime.

17-A M.R.S. § 751-B(1) (2026). Here, the State charged Desrosiers under paragraph B with refusing to submit to detention by using physical force against a law enforcement officer.

[¶11] Although she does not deny that she intended to prevent the officers from detaining her, Desrosiers argues that the evidence presented at trial was insufficient to support the conviction because her resistance to being detained was passive rather than through the use of physical force. Desrosiers cites to the officers' testimony that Desrosiers "passively resist[ed]" the arrest

by dropping to the ground so that the officers had to carry her to the cruiser. She does not dispute that the thrashing about and kicking shown in the video of her inside the police cruiser involved physical force but contends that the force was directed only against the interior of the cruiser, not against a law enforcement officer.

[¶12] The State counters that there was sufficient evidence to prove that Desrosiers used physical force against the officers because the testimony and the video exhibits admitted at trial showed that Desrosiers refused to answer questions, did not submit to being handcuffed or comply with the sergeant's directives, tried to keep her wrists from being handcuffed, dropped to the ground and refused to walk, stuck one foot out the door of the cruiser so that the door could not be closed until an officer put her foot inside, and repeatedly hit her head against the cruiser window and divider and kicked the inside of the cruiser. The State argues that "[t]he statute does not require an assault. The statute requires force." With ample support in the record, the State describes Desrosiers's conduct as "combative," "belligerent," and "noncompliant," but those attributes do not themselves show that Desrosiers used physical force against an officer.

[¶13] “When a defendant in a criminal case challenges the sufficiency of the evidence to support the finding of guilt, we view the evidence in the light most favorable to the State to determine whether the fact-finder could rationally find every element of the offense beyond a reasonable doubt. . . . We will vacate a judgment entered upon a jury verdict only where no trier of fact rationally could find proof of guilt beyond a reasonable doubt.” *State v. Woodard*, 2013 ME 36, ¶ 19, 68 A.3d 1250 (citation and quotation marks omitted).

[¶14] We interpret a statute de novo to determine legislative intent “by examining the plain meaning of the statutory language . . . in the context of the whole statutory scheme. We look beyond the statutory language to the legislative history if the statutory language is ambiguous.” *State v. Stevens*, 2007 ME 5, ¶ 5, 912 A.2d 1229 (citations and quotation marks omitted). Statutory language is ambiguous if it is “reasonably susceptible to more than one interpretation.” *State v. Beaulieu*, 2025 ME 4, ¶ 14, 331 A.3d 280 (quotation marks omitted).

[¶15] Title 17-A does not define “physical force” for the purposes of section 751-B(1)(B). Black’s Law Dictionary defines “physical force” as “[a] natural or mechanical force acting upon the tangible world” or “[v]iolent force

involving more than mere unwanted touching.” *Physical Force*, Black’s Law Dictionary (12th ed. 2024). The reference in the first definition to “natural . . . force” seems to include gravity. However, the statute requires the State to prove that a defendant “use[d]” force, implying that the defendant must have generated the physical force, not merely allowed an external physical force such as gravity to take effect. Courts have defined physical force generated by the human body as “brawn and muscle,” *see, e.g., Livingston v. Shreveport-Texas League Baseball Corp.*, 128 F. Supp. 191, 201 (W.D. La. 1955), *aff’d*, 228 F.2d 623 (5th Cir. 1956); *Kerr v. Nelson*, 59 P.2d 821, 823 (Cal. 1936), and as “power, violence, or pressure directed against a person consisting in a physical act,” *United States v. Griffith*, 455 F.3d 1339, 1342 (11th Cir. 2006) (alterations and quotation marks omitted). Moreover, the statutory phrase “used physical force against the officer” indicates that a person’s use of force must be directed against the officer. *See Allen v. State*, 211 So. 3d 55, 57-58 (Fla. Dist. Ct. App. 2017) (because defendant’s forcible resistance was directed against a police dog, not an officer, it did not meet the statutory meaning of resisting arrest); *Hill v. Commonwealth*, 40 S.W.2d 261, 263 (Ky. 1931) (“To constitute forcible resistance the force must be directed against the officer. . .”).

[¶16] We agree with Desrosiers that her act of dropping to the ground did not constitute the use of physical force. Defining “passive resistance” as “opposition by noncooperation,” *see Passive Resistance*, Black’s Law Dictionary (12th ed. 2024), we conclude that purely passive resistance without any muscular effort does not constitute the use of physical force.⁶ The refusal to submit statute does not require anyone to assist in their own arrest or detention. Desrosiers’s act of allowing gravity to operate by dropping to the

⁶ Desrosiers argues that the legislative history of 17-A M.R.S. § 751-B(1) shows that passive resistance to an arrest or detention does not violate the statute because the Legislature rejected an amendment that would have brought passive resistance within the statute. Under the proposed amendment, the statute would have read:

A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person or any other person, the person:

- A. Performs *any act of physical interference or resistance*, including flight. Violation of this paragraph is a Class E crime;
- B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or
- C. Creates a substantial risk of bodily injury to the law enforcement officer, including but not limited to fleeing or attempting to flee on foot, or otherwise evading the law enforcement officer, resulting in the law enforcement officer’s pursuing, chasing or attempting to pursue or chase the person on foot or other means. Violation of this paragraph is a Class D crime.

L.D. 633 (124th Legis. 2009) (emphasis added).

By retaining the reference to “physical force” in subparagraph B while adding “acts[s] of physical interference or resistance” in new subparagraph A, the proposed legislation would have broadened the scope of the statute to include conduct not involving the use of physical force. The Legislature’s rejection of the amendment supports Desrosier’s contention that the statute does not criminalize purely passive conduct not involving a person’s use of physical force. *See* P.L. 2009, ch. 449, § 2 (effective Sept. 12, 2009) (codified at 17-A M.R.S. § 751-B (2026)).

ground after being placed in handcuffs did not constitute the use of physical force against a police officer under the statute.⁷

[¶17] We need not reach Desrosiers’s argument that her thrashing and kicking after being placed in the police cruiser are not within the statute because we conclude that the evidence of her other actions was sufficient to support the verdict on the charge of refusing to submit to arrest or detention.

[¶18] Desrosiers went beyond passive resistance by crossing her arms and trying to pull away from the sergeant to prevent him from placing her in handcuffs and by kicking her foot outside the cruiser so that the rear door could not be closed. Both acts involved the use of a degree of physical force on her part and both were directed toward a law enforcement officer who was attempting to detain her. As she points out, however, neither involved violent physical force. Our inquiry therefore focuses on whether the statutory phrase “uses physical force against the law enforcement officer” requires the State to prove that Desrosiers used violent physical force against a law enforcement officer.

⁷ We need not decide whether Desrosiers’s act of allowing herself to fall to the ground might have presented a risk of substantial injury to a law enforcement officer because Desrosiers was not charged under section 751-B(1)(C).

[¶19] In *Raymond v. State*, an appeal of a post-conviction review, we construed the same phrase—“physical force”—as it appears in the criminal statute defining the elements of robbery. *Raymond v. State*, 467 A.2d 161, 162 (Me. 1983); see 17-A M.R.S. § 651(1)(C) (2026). The appellant in *Raymond* was accused of robbery by purse-snatching. Without objection, the trial court had instructed the jury that found Raymond guilty that the State had to prove that the defendant used some degree of physical force—not necessarily violent force—in taking the purse:

There is no requirement under the law that you have to determine the extent of physical force. In other words, there is [sic] no degrees in this particular statute. You don't have to determine it was serious, mediocre, or whatever. It's just the fact of physical force, and then you have to determine whether, if you find that physical force to have been employed, whether at that time it was the defendant's intent, in using that physical force, to prevent or overcome resistance to the taking of the property, or to compel the person in control of the property to give it up.

Raymond, 467 A.2d at 163.

[¶20] Raymond's argument on post-conviction review was that his trial counsel had rendered ineffective assistance by failing “to raise the legal issue whether the statutory element of ‘physical force’ required for the theft to constitute robbery involves more than the jury was justified in finding to be present in the case at bar.” *Id.* We rejected the argument because “the Superior

Court’s instruction was a correct statement of the law as applied to the facts of the case being submitted to the jury.” *Id.* at 164. We said that the drafters of the Maine Criminal Code had “made a conscious decision that *any* physical force with the intent specified in section 651(1)(B) should be sufficient to raise a theft offense to the level of robbery.” *Id.* at 165. We also noted that the use of physical force need not involve actual contact with the victim of a robbery. *Id.*

[¶21] We see no reason to attach a different interpretation to the Legislature’s use of the same phrase—“physical force”—in the statute defining refusing to submit to arrest or detention. That the statute contains a separate prohibition on “creat[ing] a substantial risk of bodily injury to the law enforcement officer,” 17-A M.R.S. § 751-B(1)(C) (2026), bolsters our view that the degree of physical force used against an officer need not be violent or capable of causing substantial injury. In interpreting a New Jersey statute on resisting arrest that, like section 751-B, separates using physical force against the officer from creating a risk of substantial bodily injury to the officer, the New Jersey Supreme Court pointed out that the New Jersey Legislature could have combined requirements of use of physical force and the risk of substantial injury but did not. *State v. Brannon*, 842 A.2d 148, 152-54 (N.J. 2004) (“[E]ven minimal force or violence would contravene” the New Jersey statute on

resisting arrest); *see also State v. Eggers*, 558 P.3d 830, 837 (Or. 2024) (“[T]he term ‘physical force,’ on its own, does not require any particular quality or degree of force.”).

[¶22] The meaning of the statutory phrase “against the officer” likewise merits consideration. We interpret “against the officer” to require that a person’s use of physical force be in opposition to the officer’s attempt to effect the person’s arrest or detention and not for some other purpose. *Against*, New Oxford American Dictionary (3d ed. 2010) (defining “against” as “in opposition to”).

[¶23] The parallel statutes of other states use wording different from “against the officer” in requiring that a person’s use of force be directed to opposing, obstructing, hindering or preventing a law enforcement officer from making an arrest or detention. *See, e.g., State v. Dudley*, 475 S.W.3d 712, 715-16 (Mo. Ct. App. 2015) (holding that Missouri’s statute requires that a defendant resist by using physical force “for the purpose of preventing the officer from completing the arrest”); *People v. Brown*, 501 N.E.2d 1347 (Ill. App. Ct. 1986) (interpreting 38 Ill. Comp. Stat. Ann. § 31-1 (West 1983, Westlaw through P.A. 104-460 of the 2026 Reg. Sess.) (“A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer . . . of any

authorized act within his official capacity commits a Class A misdemeanor.”)); *State v. Maier*, No. 94-3096-CR, 1995 WL 215510, at *1 (Wis. Ct. App. April 13, 1995) (interpreting Wis. Stat. Ann. § 946.41 (West 1995, Westlaw through 2025 Act 93, except Acts 17, 68, and 69, published Mar. 7, 2026) (“Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor.”)); *State v. Harris*, 262 N.E.3d 1252, 1258 (Oh. Ct. App. 2025), (interpreting Ohio Rev. Code Ann. § 2921.33 (West 2025, Westlaw through File 58 of the 136th Gen. Assembly (2025-2026), and 2025 Statewide Issue No. 2 (May election) (2024 H.J.R. No. 8)) (“No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another”)); *City of Pekin v. Ross*, 400 N.E.2d 992, 993 (Ill. App. Ct. 1980) (interpreting a municipal code that is akin to the Illinois statute making it unlawful to knowingly resist an arrest). However, regardless of the phraseology used, these statutes, like Maine’s, provide that a person’s use of physical force can constitute resisting arrest or detention only if it is actually directed in opposition to the officer’s attempt to arrest or detain the person.

[¶24] The obvious purpose of the prohibition against “us[ing] physical force against [an] officer” is to prevent fights and contests of strength between

police officers and those they are attempting to arrest or detain. Such contests can include pushing, pulling, hitting, and biting, among other forms of physical force. Nothing suggests that the Legislature intended to allow persons to resist arrest by using some forms of physical force but not others against officers. We therefore construe the prohibition in section 751-B(1)(B) on the use of physical force against an officer to include any form of physical force used in direct opposition to an officer's own use of physical force in effecting an arrest or detention.

[¶25] Courts elsewhere have upheld convictions for resisting arrest of defendants who went rigid, forcing officers to overcome their muscular resistance to make the arrests. In a Missouri case, for example,

defendant stiffened his body and refused to exit the car, forcing two officers to pull him out of the car and onto the ground. Defendant then clenched his hands near his waistline, stiffened his arms, and refused to remove his hands and arms from underneath his body. Officers pulled on defendant's arms in order to secure his hands and place him in handcuffs, all to no avail. . . . [D]efendant exerted the strength and power of his muscles to overcome the officers' attempts.

Dudley, 475 S.W.3d at 716; *see also Brown*, 501 N.E.2d 1347 (considering instance where defendant kept his arms rigid so that he could not be handcuffed); *Commonwealth v. Grandison*, 741 N.E.2d 25, 34-35 (Mass. 2001) (involving an instance where defendant stiffened his arms and pulled one arm

free during arrest); *Commonwealth v. Maylott*, 841 N.E.2d 717, 718-20 (Mass. App. Ct. 2006) (regarding an instance where defendant stiffened his arms to hinder arrest); *Commonwealth v. Katykhin*, 794 N.E.2d 1291, 1292 (Mass. App. Ct. 2003) (quotation marks omitted) (considering instance where defendant stiffened his body and began to pull away, “starting a tug of war”); *Todd v. State*, No. 08-05-00011-CR, 2006 WL 2635143, at *5 (Tex. App. Sept. 14, 2006) (considering instance where defendant braced himself against a doorjamb); *Maier*, 1995 WL 215510, at *1-2 (considering instance where defendant kept his hands away, forcing officers to pull his hands out in order to handcuff him).

[¶26] Desrosiers’s actions of crossing her arms and pulling away, which required the sergeant to force her arms down and apart, and of putting her foot outside the cruiser, forcing an officer to push it inside in order to close the door, constitute uses of physical force against an officer. *See Harris*, 262 N.E.3d at 1258 (affirming conviction for resisting arrest of defendant who “placed both feet on either side of the door to a police cruiser to prevent himself from being placed inside”). Admittedly, the officers had no difficulty overcoming Desrosiers’s resistance, but our interpretation of the statute cannot depend upon the physical strength and size of the officer compared to those of the person whom the officer is attempting to arrest or detain. It is sufficient to

support Desrosiers's conviction that the officers had to use physical force to overcome the physical force Desrosiers was using with the intent of preventing the officers from detaining her.

[¶27] Although the dissent acknowledges that Desrosiers crossed her arms when the officer was trying to handcuff her and then put her foot out the cruiser door to prevent the officer from closing it, Dissent ¶ 39, the dissent "do[es] not agree that Desrosiers used physical force, and, even if she did, it was certainly not directed against the officers." Dissent ¶ 40. Although the dissent concedes that "her actions made the arrest more difficult," Dissent ¶ 42, it emphasizes that Desrosiers "did not push, strike, nudge, or make contact with the officers in any way that could remotely be deemed forceful." Dissent ¶ 42. The premise of the dissent's argument thus appears to be that a person's resistance to arrest must be "forceful" in order to come within the statute. The dissent does not define what it means by "forceful." But a very strong person who crosses arms to avoid being handcuffed is using muscular force to create exactly the kind of contest of strength with an arresting officer that the statute seeks to avert. The dissent's interpretation of the statute would apply a highly subjective "forceful" standard that could vary according to the physical strength of the person being detained or arrested and the officer attempting to effectuate

the arrest or detention. The dissent's interpretation also would sanction and legalize any form or level of resistance short of however "forceful" might be defined, with a heightened risk of physical altercation and injury.

[¶28] Viewing the evidence and drawing all inferences favorable to the verdict, as we must, we conclude that the evidence was sufficient to support Desrosiers's conviction for refusing to submit to arrest or detention, and we affirm the conviction. That conclusion means that her conviction for violating a condition of release by committing new criminal conduct must likewise be affirmed.

B. The State failed to prove that Desrosiers is guilty of failing to register the motor vehicle.

[¶29] Desrosiers argues that there was insufficient evidence to prove that the Trailblazer had never been registered by the current owner because the vehicle was still registered in the name of her deceased former employer and Desrosiers and her mother were still in the process of buying the vehicle from his widow. Desrosiers cites a Maine statute that provides that ownership of a motor vehicle does not transfer until execution of the assignment of title. *See* 29-A M.R.S. § 662(1), (4) (2026). In addition, Desrosiers contends that it was impossible for her to own or register the vehicle at this time because the widow of her former employer was having trouble finding the title and did not

give it to Desrosiers and her mother until June 2023. The State argues that the evidence presented at trial is sufficient to sustain Desrosiers’s conviction for operating an unregistered motor vehicle because at the time that the sergeant stopped Desrosiers, Desrosiers and Moyer told him that they had purchased the motor vehicle, and the vehicle was registered to Desrosiers’s former employer (not to Desrosiers or Moyer).

[¶30] Under Maine law,

[a] person who operates a vehicle that is not registered in accordance with [Title 29-A], fails to register a vehicle or permits a vehicle that is not registered to remain on a public way commits . . . [a] Class E crime if the vehicle has never been registered by the current owner of the vehicle.

29-A M.R.S. § 351(1)(E) (2026). A vehicle registration expires “on the last day of the month one year from the month of issuance.” 29-A M.R.S. § 405(1)(A) (2026). A registrant may voluntarily surrender a vehicle registration prior to that date but may activate the registration again at any time prior to the original expiration of the registration. 29-A M.R.S. § 410 (2026). Generally, a vehicle registration expires upon transfer of ownership, except when ownership passes by law to a surviving spouse. 29-A M.R.S. § 406 (2026). The surviving spouse exception provides:

On the death of a married resident owner of a motor vehicle registered in this State, ownership of the motor vehicle passes to

the surviving spouse if no will provides otherwise Registration and title of the vehicle must be transferred to the surviving spouse at no fee and is exempt from the purchase and use tax.

29-A M.R.S. § 663 (2026).

[¶31] Desrosiers is correct that transfer of interest in a vehicle requires that “the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee,” pursuant to 29-A M.R.S. § 662(1), and that “a transfer by an owner is not effective until the provisions of [section 662] . . . have been fulfilled,” 29-A M.R.S. § 662(4).

[¶32] In *Lewis v. Concord Gen. Mut. Ins. Co.*, 2014 ME 34, ¶ 14, 87 A.3d 732, a man named Dodge sold a truck to a man named Michael, but Dodge retained the title, registration, and insurance in his name. We concluded that “the evidence that Dodge permitted Michael to take the truck with the registration, insurance, and license plates would permit a fact-finder to draw the inference that Dodge intended to retain legal ownership of the truck long enough to permit Michael to make his own arrangements for insurance and registration.” *Id.*

[¶33] Here, even viewing the evidence in the light most favorable to the State, the record did not support a finding either that Desrosiers owned the Trailblazer and that she had not registered it or that the Trailblazer was not

registered by its current owner. There was insufficient evidence that Desrosiers was the owner because, as in *Lewis*, the evidence indicated that, as a matter of law, the vehicle was still owned by and registered to the widow of Desrosiers's former employer or a devisee if the vehicle was included in his will. *See* 29-A M.R.S. § 663 (2026). At trial, Desrosiers and Moyer each testified, without being contradicted by other evidence, that they had permission from the former employer's widow to use the vehicle and that the vehicle had license plates on it that were valid until the end of May. Although the fact that Desrosiers had insured the vehicle might suggest that she was the current owner,⁸ the fact that she did not yet have the title to the vehicle suggests that she was not yet the current owner. Because the State failed to demonstrate that the vehicle "[had] never been registered by the current owner of the vehicle," 29-A M.R.S. § 351(1)(E), her conviction on Count 2 must be vacated.

The entry is:

Judgments of conviction on Counts 1 and 3 affirmed. Judgment of conviction on Count 2 vacated. Remanded with instructions to enter a judgment of acquittal on Count 2.

⁸ The definitions of "owner" in Title 29-A might also suggest that Desrosiers owned the vehicle, but the State did not provide evidence that Desrosiers met either of the definitions in that title. *See* 29-A M.R.S. § 101(50) (2026) ("'Owner' means a person holding title to a vehicle or having exclusive right to the use of the vehicle for a period of 30 days or more."); 29-A M.R.S. § 602(8) (2026) ("'Owner' means a person, other than a lienholder, that has control or title to a vehicle. 'Owner' includes, but is not limited to, a person entitled to use and possess a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.").

MEAD, J., with whom STANFILL, CJ, joins, dissenting in part.

[¶34] I concur in the majority's vacating of Desrosiers's conviction for violation of 29-A M.R.S. § 351(1)(E) (2026), operating an unregistered vehicle (Class E). I respectfully dissent, however, from the majority's affirming of Desrosiers's conviction for violation of 17-A M.R.S. § 751-B (2026), refusing to submit to arrest by using physical force against a law enforcement officer (Class D) and her conviction for 15 M.R.S. § 1092(1)(A) (2026), violation of condition of release which was predicated upon her actions resulting in the conviction for violation of section 751-B.

[¶35] By any interpretation of the undeniable facts—the unfolding of which was captured in real time by video—the evidence clearly demonstrates that Desrosiers did not, at any time, *use force against an officer*. Desrosiers's behavior was uncooperative and made the officers' efforts to arrest her more difficult, but at no time did she ever use physical force *against* any of the public safety officers.

[¶36] The sum total of Desrosiers's uncooperative behavior during the incident included verbally remonstrating with the officers, crossing her arms

and pulling back as they approached to handcuff her, going limp and falling to the ground as they attempted to escort her to the police vehicle, and dangling a foot outside the vehicle door as the officers were closing the vehicle door, thus requiring an officer to move her foot to the interior of the vehicle.

[¶37] None of the officers at the scene reported or testified that physical force was used against them. One officer reported that Desrosiers was only “passively resisting.” In fact, when asked at trial what force Desrosiers was using, the officer replied, “Gravity.”

[¶38] My analysis starts with many points of agreement with the majority decision. As the majority correctly notes, our task is to construe what is meant by the phrase “. . . force against the law enforcement officer . . .” in section 751-B(1)(B).⁹ The majority also observes: “With ample support in the record, the State describes Desrosiers’s conduct as ‘combative,’ ‘belligerent,’ and ‘noncompliant,’ but those attributes do not themselves show that Desrosiers used physical force against an officer.” Court’s Opinion ¶ 12.

⁹ Title 17-A § 7561-B provides:

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

...

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime

Further, the majority accurately notes that “the statute requires the State to prove that a defendant ‘use[d]’ force, implying that the defendant must have generated the physical force, not merely allowed an external physical force such as gravity to take effect.”¹⁰ Court’s Opinion ¶ 15.

[¶39] Finally, the majority states: “[T]he statutory phrase ‘used physical force against the officer’ indicates that a person’s use of force must be directed against the officer,” *id.*, and the majority ultimately concludes that two of Desrosiers’s actions—her crossing her arms pulling away from the officer as he approached to handcuff her and her placing her foot outside the cruiser door—constitute physical force, and that the force was directed at law enforcement officers. Court’s Opinion ¶ 26.

[¶40] This is where I part company with the majority. I do not agree that Desrosiers *used* physical force, and even if she did, it was certainly not directed *against* the officers.

[¶41] There is no definition of “using physical force” that would include the simple, voluntary acts of crossing one’s arms or extending a foot out a

¹⁰ The majority concludes that Desrosiers’s dropping to the ground does not involve any use of physical force against a police officer as prohibited by the statute. Court’s Opinion ¶ 16.

vehicle door.¹¹ Either would be interpreted, in specific contexts such as this, as non-verbal expressions of nonagreement or defiance, but neither would be described in common parlance as using physical force.¹² Accordingly, given the plain language of the statute and ordinary usage of the term, I conclude that Desrosiers did not use physical force during the events of May 19, 2023.¹³

¹¹ The majority cites to case law from various courts to support the contention that physical force does not have to be violent or capable of causing substantial injury. Court's Opinion ¶ 21; *see State v. Brannon*, 842 A.2d 148, 153 (N.J. 2004) ("[T]he force or violence necessary to convict need not include a substantial risk of causing physical injury to the public servant or another."); *see also State v. Eggers*, 558 P.3d 830, 837 (Or. 2024) ("[T]he term 'physical force,' on its own, does not require any particular quality or degree of force.").

There are a considerable number of jurisdictions, however, that have held to the contrary. *See Rich v. State*, 44 A.3d 1063, 1080 (Md. Ct. Spec. App. 2012) ("[W]e believe that including mere flight from an arresting officer within the definition of 'resistance by force' would enlarge the realm of criminally-punishable actions without doing much to advance the goals of protecting police."); *Eide v. State*, 168 P.3d 499, 502 (Alaska Ct. App. 2007) ("Although [the trooper] was convinced that it was likely that he or Eide would be injured because Eide was uncooperative, Eide's conduct of turning 'turtle' and announcing that he was not going with the trooper does not rise above 'mere non-submission' because Eide's conduct did not actively create a danger of physical injury."); *but see Fallon v. State*, 221 P.3d 1016, 1021 (Alaska Ct. App. 2010) (distinguishing *Eide* on the grounds that the defendant struggled against the arrest, pushed himself away from the police car, and required multiple people to eventually handcuff the defendant whereas Eide "initially pulled his arm away from a trooper and put his arms under his body so he could not be handcuffed. But as soon as the troopers used an electric shock device, he submitted to the arrest.").

¹² The case of *Raymond v. State*, 467 A.2d 161, 162 (Me. 1983), cited by the majority, Court's Opinion ¶¶ 19-20, is inapplicable because it involved an argument regarding the *degree* of physical force necessary to convict a defendant in a purse-snatching case where the actual extent of the force used was not in dispute.

¹³ The majority posits that section 751-B(1)(C), which defines a separate basis for criminal liability when the defendant creates a substantial risk of injury to law enforcement, bolsters the argument that the degree of physical force used against an officer under section 751-B(1)(B) need not be violent or capable of causing substantial injury. Court's Opinion ¶ 21. I disagree. Subsection C addresses a wholly different circumstance where the defendant may not have used any degree of physical force directly against a law enforcement officer but has created a substantial *risk* of bodily injury to the officer.

[¶42] Even assuming, but not conceding, that Desrosiers did in fact use physical force in the two acts noted above, she did not use physical force *against* the law enforcement officers. At no time did she initiate contact with the officers. She did not push, strike, nudge, or make contact with the officers in any way that could remotely be deemed forceful. Rather, her actions were passive, reactive, and uncooperative. Her actions made the arrest more difficult—the officers had to lift her into the cruiser and push her foot into the passenger area—but as the officer testified at trial, the only “force” she used was the force of gravity, and to the extent that it can be conceivably construed that the force of gravity was somehow “used” by Desrosiers, it cannot be plausibly claimed that she used it *against* the officers. While her uncooperative behavior was not commendable, it nevertheless does not rise to the level of a Class D misdemeanor.¹⁴

¹⁴ The majority cites to a multitude of cases from other jurisdictions to support the assertion that Desrosiers’s actions of crossing her arms and pulling away satisfies the requirement of physical force *against* an officer. Court’s Opinion ¶¶ 23-26.

There are a substantial number of jurisdictions that disagree. See *Borden v. United States*, 593 U.S. 420, 433 (2021) (“When read against the words ‘use of force,’ . . . the ‘against’ phrase—the definition’s ‘critical aspect’—suggests a higher degree of intent than (at least) negligence.” (quotation marks omitted)); *Sheehan v. State*, 201 S.W.3d 820, 822-23 (Tex. App. 2006) (holding that there was no evidence of danger of injury to the officers, and thus there was no evidence that Sheehan used force *against* the officers, from Sheehan’s passive non-cooperation, including pulling his arms to his chest and interlocking them while the officers were trying to handcuff him, pulling his hands in and holding them while refusing to move them, and sitting down in protest once handcuffed); *Brooks v. State*, 113 N.E.3d 782, 785 (Ind. Ct. App. 2018) (“[T]urning and pulling away from a law enforcement encounter, leaning away from an officer’s grasp, refusing to present arms for handcuffing, twisting and turning

[¶43] I agree with the statement that the majority makes (without citation to authority) that the obvious purpose of the prohibition against using physical force against an arresting officer is to prevent fights and contests of strength between police officers and those whom they are attempting to arrest or detain. Court’s Opinion ¶ 24. Such contests of strength would likely involve affirmative acts such as pushing, pulling, hitting, and biting, among other forms of physical force directed by one party against another. Court’s Opinion ¶ 24.

[¶44] Nothing of the sort happened here.

[¶45] Derosiers crossed her arms and pulled away as the sergeant approached to handcuff her. The only acts of force against a person that occurred in this incident were the entirely justified acts of the sergeant who used physical force to handcuff Desrosiers and another officer who had to push Desrosiers’s foot inside the vehicle to close the door. It is inconceivable to me that the legislature intended Desrosier’s passive behavior to constitute a Class D misdemeanor.¹⁵

a little bit against an officer’s actions, or walking away from a law enforcement encounter, do not establish forcibly resisting law enforcement.” (alterations, citations, and quotation marks omitted)).

¹⁵ As the majority is aware, the Legislature rejected proposed legislation that would bring passive resistance, such as a protester being arrested and being carried from the protest scene, within the scope of section 751-B. I do not reach the question of legislative intent, although it would likely support my conclusion, because I am satisfied that plain language and common sense clearly provide a compelling and clear answer to the question before the court. *See* L.D. 633 (124th Legis. 2009); *see also* L.D. 251 (128th Legis. 2017), Legis. Rec. S-481 (1st Reg. Sess. 2017) (accepting the report of

[¶46] I would vacate Desrosiers's convictions for violations of 17-A M.R.S. § 75-B, refusing to submit to arrest by using physical force against a law enforcement officer, and 15 M.R.S § 1092(1)(A) (2025), violation of condition of release.

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ought not to pass regarding a proposed amendment to section 751-B(1) that would have made engaging in a physical action that delays or interferes with lawful arrest or detention a violation of the statute); Legis. Rec. H-390 (1st Ref. Sess. 2017) (accepting the ought not to pass report regarding L.D. 251).