MAINE SUPREME JUDICIAL COURT Reporter of Decisions
Decision: 2026 ME 109
Docket: Pis-25-93
Argued: December 10, 2025
Decided: November 19, 2026

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

STATE OF MAINE

v.

RYAN P. REARDON

LIPEZ, J.

[¶1] In this appeal, Ryan P. Reardon asks us to determine what options are available to a trial court when the court finds that a defendant, for reasons outside his control, has not complied with deferment requirements imposed under 17-A M.R.S. § 1902(1) (2026). Pursuant to an agreement with the State, Reardon pleaded guilty to domestic violence assault on the condition that if he successfully complied with the deferment requirements, then he would be permitted to withdraw his guilty plea and instead plead guilty to a charge of domestic violence reckless conduct. At a final hearing following the deferment period, the trial court (Piscataquis County, *Larson, J.*) found that Reardon had failed to comply with certain deferment requirements but that his failure to comply was excusable. The court nonetheless concluded, relying on principles of contract interpretation, that Reardon was not entitled to the successful

outcome of the agreement and accordingly entered a judgment of conviction for domestic violence assault.

[¶2] On appeal, Reardon does not dispute his lack of compliance. Instead, he argues that the trial court, upon finding that his noncompliance was excusable, should have allowed him to withdraw his guilty plea to domestic violence assault and plead guilty instead to reckless conduct. We do not reach the question of the propriety of the court's action, however, because we conclude that we do not have jurisdiction to entertain Reardon's appeal. Title 17-A M.R.S. § 1904 (2026) prohibits "attack[s]" on the "final disposition" of a deferred disposition except in cases where a court has sentenced a person upon finding that the person's failure to comply with a deferment requirement was "inexcusabl[e]." Because Reardon seeks to attack the court's final disposition, and because he does not benefit from the statutory exception allowing appeals by those whose failure to comply was deemed inexcusable, section 1904 bars the appeal. We accordingly dismiss.

I. BACKGROUND

A. The Statutes Governing Deferred Dispositions

[¶3] The Maine Criminal Code provides a mechanism by which a court may accept a defendant's guilty plea but defer sentencing to a later date to give

the defendant an opportunity to abide by court-imposed requirements that are "reasonable and appropriate to assist the person to lead a law-abiding life." 17-A M.R.S. § 1902(1). At the end of the deferment period, the court must conduct a final hearing pursuant to 17-A M.R.S. § 1903(1) (2026), which provides:

> [A] person who was granted deferred disposition pursuant to section 1902 shall return to court for a hearing on final disposition. *If the person demonstrates by a preponderance of the evidence that the person has complied with the court-imposed deferment requirements, the court shall impose a sentencing alternative authorized for the crime to which the person pled guilty and consented to in writing at the time sentencing was deferred* or as amended by agreement of the parties in writing prior to sentencing, unless the attorney for the State, prior to sentence imposition, moves the court to allow the person to withdraw the plea of guilty. Except over the objection of the person, the court shall grant the State's motion. If the court grants the State's motion, the attorney for the State shall dismiss the pending charging instrument with prejudice. *If the court finds that the person has inexcusably failed to comply with the court-imposed deferment requirements, the court shall impose a sentencing alternative authorized for the crime to which the person pled guilty.*

(Emphasis added.)

[¶4] In *State v. Palmer*, we summarized the "three important elements" of the final dispositional hearing: "(1) the defendant must demonstrate, by a preponderance of the evidence, that [he] has complied with the court-imposed deferment requirements; (2) if the defendant fails to meet this burden, the

court must determine whether [his] failure to comply was inexcusable; and (3) if the failure was inexcusable, the court is then required to impose a sentencing alternative."[1] 2016 ME 120, ¶ 12, 145 A.3d 561. We did not, however, have occasion to address how a court should proceed if, as it did here, it were to determine at the second step in the analysis that the defendant's failure to comply was *excusable*. *See generally id.* ¶¶ 8-21. Nor does section 1903 expressly account for such a situation. *See generally* 17-A M.R.S. § 1903(1)-(7).

B. Reardon's Case

[¶5] On June 24, 2021, a grand jury returned an indictment charging Reardon with aggravated assault (Class B), 17-A M.R.S. § 208(1)(C) (2026), domestic violence assault (Class D), 17-A M.R.S. § 207-A(1)(A) (2020),[2] and criminal threatening with a dangerous weapon (Class C), 17-A M.R.S. §§ 209(1), 1604(5)(A) (2026). On July 7, 2022, Reardon entered into an agreement with

[1] In *Palmer*, we analyzed 17-A M.R.S. § 1348-B (2015), which was subsequently repealed and replaced by 17-A M.R.S. § 1903. *See Palmer*, 2016 ME 120, ¶¶ 5-6, 9-13, 145 A.3d 561; P.L. 2019, ch. 113, §§ A-1, A-2 (emergency, effective May 16, 2019) (codified at 17-A M.R.S. § 1903). The relevant language of the two statutes is substantially the same. *Compare* 17-A M.R.S. § 1348-B(1) (2015), *with* 17-A M.R.S. § 1903(1) (2026).

[2] The State alleged that the offense to which Reardon pleaded guilty occurred "[o]n or about August 24, 2020." We accordingly cite to the version of the domestic-violence-assault statute in effect at that time, 17-A M.R.S. § 207-A (2020). The statute has since been amended. *See* P.L. 2021, ch. 647, §§ B-17, B-18 (effective Jan. 1, 2023) (codified as subsequently amended at 17-A M.R.S. § 207-A (2026)).

the State, pursuant to which he pleaded guilty to domestic violence assault. As relevant here, he agreed to abide by several "special conditions," among them to complete a "Certified Domestic Violence Intervention Program" and to undergo a "substance abuse evaluation" and treatment as recommended by the evaluator.

[¶6] For its part, the State dismissed the charges of aggravated assault and criminal threatening with a dangerous weapon. It agreed that if Reardon complied with the terms of the agreement, then, at the end of the two-year deferment period, he would be permitted to withdraw his plea of guilty to domestic violence assault and instead plead guilty to an information charging domestic violence reckless conduct, 17-A M.R.S. § 211-A (2020).[3,4] The agreement further provided that if Reardon did not comply with its terms, then at the end of the two-year period he would be subject to an "open plea," meaning that he would be convicted of domestic violence assault without any agreement with the State regarding the recommended sentence. *See State v. Bean*, 2018 ME 58, ¶ 14, 184 A.3d 373.

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[3] The agreement actually states that Reardon would "be sentenced" on the new charge, but of course a finding of guilty is a precondition to the imposition of a sentence for a crime.

[4] We cite to the version of the domestic-violence-reckless-conduct statute in effect in August 2020, 17-A M.R.S. § 211-A (2020). *See supra* n.2. That statute has since been amended. *See* P.L. 2021, ch. 647, §§ B-29, B-30 (effective Jan. 1, 2023) (codified as subsequently amended at 17-A M.R.S. § 211-A (2026)).

[¶7] In the late summer and early fall of 2022, Reardon injured his knees on two separate occasions. Soon after that, he suffered a significant head injury. The head injury impacted Reardon's cognitive abilities and left him with practically no executive functioning. At the time, he had not begun the Certified Domestic Violence Intervention Program or undergone a substance abuse evaluation. Reardon never engaged in those services during the two-year deferment period, nor did he file a motion pursuant to 17-A M.R.S. § 1902(3) to modify his deferment requirements.[5]

[¶8] The court scheduled a final dispositional hearing for July 22, 2024. The hearing was continued twice and was eventually held on September 23, 2024. At the hearing, Reardon presented testimony from his mother and his psychiatrist. Based on the evidence presented, the court found that Reardon had failed to comply with the deferment requirements but that his failure to comply was excusable. *See* 17-A M.R.S. § 1903(1).

[¶9] The parties disagreed as to the appropriate disposition of the matter, with the State arguing that the court should sentence Reardon for domestic violence assault and Reardon arguing that he was entitled to withdraw his plea and plead guilty instead to domestic violence reckless

[5] That subsection provides that a "person [who] cannot meet a deferment requirement imposed by the court . . . shall bring a motion" to modify the requirements. 17-A M.R.S. § 1902(3).

conduct. On December 12, 2024, the court issued a written order in which it relied on principles of contract interpretation to determine that Reardon was not entitled to withdraw his plea. It reasoned that Reardon failed to complete two material terms of his agreement with the State and that this material failure to perform excused the State from its obligation to effectuate the successful outcome of the agreement—dismissal of the charge of domestic violence assault and the filing of an information charging domestic violence reckless conduct.[6] The court therefore concluded that it was required to sentence Reardon for domestic violence assault, ultimately imposing a sentence of ninety

[6] The court also opined that, even if it had concluded that Reardon was entitled to the successful outcome, it could not force the State to file a new charging instrument. The court's concern highlights that Reardon's agreement with the State is an imperfect fit with the deferred-disposition statutes. When a defendant successfully complies with deferment requirements, section 1903 contemplates one of two possible outcomes: (1) entry of a judgment of conviction for the offense to which the defendant pleaded guilty and imposition of a sentence to which the defendant consented at the time sentencing was deferred or (2) the defendant's withdrawal of his plea and dismissal of the charge with prejudice. *See* 17-A M.R.S. § 1903(1). Reardon's agreement offered a third outcome: upon satisfying the requirements, he would be permitted to withdraw his plea of guilty to the charge of domestic violence assault, the State would file an information charging domestic violence reckless conduct, Reardon would plead guilty to that charge, and the trial court would impose the agreed-upon sentence of a $500 fine. Because section 1903 does not expressly authorize this procedure—a new charge being filed at the time of a plea withdrawal and dismissal, *see id.* § 1903(1), (2)—the trial court faced a conundrum: what to do if the court determined that Reardon was entitled to the successful outcome but the State refused to file the information. The court ultimately concluded that it need not answer that question; nor do we. But we take this opportunity to advise parties negotiating plea agreements and courts entering deferred dispositions that the terms of the agreement used in this case are not contemplated by the statute. Instead, the parties could have, in keeping with the statute, filed a new charge at the time of the original plea to the indictment, with the understanding that, if he achieved the good outcome, Reardon ultimately would not have been convicted and sentenced on both.

days in jail with all but four days suspended and one year of probation. Reardon timely appealed. *See* M.R. App. P. 2B(b)(1).

[¶10] When we received Reardon's notice of appeal, we noted that the Legislature has provided defendants in criminal cases with a limited avenue to appeal from a final disposition following a period of deferment, permitting only a discretionary appeal and only from a judgment of conviction entered after a court's determination that a defendant *inexcusably* failed to comply with a requirement of his deferment agreement. *See* 17-A M.R.S. § 1904; M.R. App. P. 19(a)(2)(D). Although we permitted the appeal to proceed, we ordered the parties to brief whether the Legislature has authorized an appeal where the defendant seeks to appeal a judgment of conviction entered after a determination that he *excusably* failed to comply with deferment requirements.

II. DISCUSSION

[¶11] We begin with the matter of jurisdiction. "Appellate review in Maine is strictly statutory," *State v. Collins*, 681 A.2d 1168, 1169 (Me. 1996) (quotation marks omitted), meaning that our jurisdiction is limited to that which the Legislature grants to us. "The right of review by the Law Court is not a constitutional one and must, as a matter of jurisdictional concern, rest upon

enabling legislation empowering the Court to act." *Id.* (quotation marks omitted).

[¶12] Generally, a defendant who is "aggrieved by a judgment of conviction, ruling or order" in "any criminal proceeding" may appeal that decision. 15 M.R.S. §§ 2111(1), 2115 (2026).[7] But the Legislature has circumscribed this broad statutory right to appeal when it comes to deferred dispositions, providing that

> [a] person may not attack the legality of a deferred disposition, including a final disposition, except that a person who has been determined by a court to *have inexcusably failed to comply with a court-imposed deferment requirement* and thereafter has been sentenced to an alternative authorized for the crime may appeal to the Law Court, but not as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

17-A M.R.S. § 1904 (emphasis added).[8] The State urges us to dismiss Reardon's appeal because Reardon has not been sentenced after a finding that he

[7] These statutes provide for a right to appeal from decisions of the District Court and Superior Court, respectively. *See* 15 M.R.S. §§ 2111(1), 2115. Since the implementation of the Unified Criminal Docket, the distinction between these two courts is largely immaterial. *See Ayotte v. State*, 2015 ME 158, ¶ 22 n.1, 129 A.3d 285 ("Pursuant to the Maine Rules of Unified Criminal Procedure, the State of Maine prosecutes crimes within the single statewide Unified Criminal Docket."); *see also* M.R.U. Crim. P. 57(i) ("'Unified Criminal Docket' means the single criminal docket for each county resulting from the consolidation of what formerly were the two separate and distinct criminal dockets for the Superior and District Courts.").

[8] A defendant seeking to appeal in those circumstances must follow the process for discretionary criminal appeals set forth in the Maine Rules of Appellate Procedure. *See* M.R. App. P. 19(a)(2)(D). Although Rule 19(a)(2)(D) refers to appeals "authorized pursuant to 17-A M.R.S. § 1348-C," that

inexcusably failed to comply with a court-imposed deferment requirement. *See id.* Reardon maintains that section 1904 does not apply here because he does not attack the "legality" or "final disposition" of his deferred disposition, *see* 17-A M.R.S. § 1904, and we therefore have jurisdiction pursuant to the general statutes governing criminal appeals, *see* 15 M.R.S. §§ 2111(1), 2115.

[¶13] We review de novo whether section 1904 prohibits Reardon's appeal. *See State v. Beaulieu*, 2025 ME 4, ¶ 14, 331 A.3d 280. "When interpreting a statute, our single goal is to give effect to the Legislature's intent in enacting the statute." *Id.* (quotation marks omitted). We begin by examining the statute "in the context of the whole statutory scheme" to determine if the statute's meaning is plain. *Id.* (quotation marks omitted.) We will consider "other indicia of legislative intent" only when the statutory language is ambiguous. *Id.* (quotation marks omitted).

[¶14] As noted, section 1904 prohibits attacks on the "legality" of the "final disposition" of a deferred disposition, except in cases where a court has determined that the defendant "inexcusably failed to comply with a court-imposed deferment requirement" and has imposed a sentence. Although the statute does not define a "final disposition," the phrase must be read in

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statute was repealed and replaced by 17-A M.R.S. § 1904 in 2019. *See* P.L. 2019, ch. 113, §§ A-1, A-2 (emergency, effective May 16, 2019) (codified at 17-A M.R.S. § 1904).

conjunction with section 1903, which governs "a hearing on final disposition." *See* 17-A M.R.S. § 1903(1); *State v. Tozier*, 2015 ME 57, ¶ 6, 115 A.3d 1240 ("When interpreting a statute, we . . . view[] the relevant provision in the context of the entire statutory scheme to generate a harmonious result." (quotation marks omitted)). Pursuant to that section, a court conducting a final dispositional hearing must determine whether the defendant has complied with the deferment requirements and then reach an appropriate disposition of the matter. 17-A M.R.S. § 1903(1). It is exactly the outcome of that exercise that Reardon appeals: he asserts that the court's final disposition of his case was erroneous as a matter of law. Section 1904 accordingly bars Reardon's appeal unless his case falls within the exception for a "person who has been determined by a court to have *inexcusably* failed to comply with a court-imposed deferment requirement and thereafter has been sentenced."[9] 17-A M.R.S. § 1904 (emphasis added).

[¶15] Here, the trial court's conclusion that Reardon's failure to comply was *excusable* effectively ends our analysis. Because Reardon does not fall

[9] Reardon also argues that this case, where the trial court made findings of fact and conclusions of law, is distinguishable from an appeal of a judgment of conviction entered after a guilty plea, which typically is not permissible. We agree with him on this point. *See State v. Huntley*, 676 A.2d 501, 503 (Me. 1996) ("A conviction after a guilty plea involves no decision by the court regarding the defendant's criminal guilt and therefore provides no source of decisional error by the court regarding criminal guilt."). This has no bearing, however, on our conclusion that his appeal is governed by section 1904.

within the category of persons whose noncompliance was deemed *inexcusable*, section 1904 operates to limit our jurisdiction to hear his appeal.

[¶16] We recognize that this is an unsatisfying outcome. Section 1904 makes sense in prohibiting an appeal by a person who complies with the deferment requirements and obtains the bargained-for good outcome because in such a situation, the person has effectively executed a limited waiver of appeal that takes force if the person receives a favorable disposition. Likewise, the statute makes sense in permitting an appeal (subject to our determination of whether to grant discretionary review) by a person who receives the bad outcome due to an *inexcusable* failure to comply because a defendant facing a criminal conviction and loss of liberty should have the opportunity to seek review of both the trial court's finding of inexcusable noncompliance and the ultimate sentence. But strangely, the plain language of the statute prohibits Reardon, whom the court found *excusably* failed to comply, from challenging the trial court's decision to impose the bad outcome and sentence him to a term of incarceration.

[¶17] This puzzling result may stem from the fact that section 1903, which delineates the options for a court conducting a final dispositional hearing, provides no direction for a court confronting the situation here: a

defendant's failure to comply that the court finds was *excusable*.[10] *See* 17-A M.R.S. § 1903(1); *cf. Palmer*, 2016 ME 120, ¶ 12, 145 A.3d 561 (describing the three-step framework for the final dispositional hearing, which does not contemplate the scenario presented in this case). Nonetheless, this is an issue that we do not—and cannot—address.[11] *See Dussault v. RRE Coach Lantern Holdings, LLC*, 2014 ME 8, ¶ 19, 86 A.3d 52 ("We are limited by the language that the Legislature has enacted, and may not substitute our policy judgment for that of the Legislature."); *see also Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 565 (2005) (observing that an omission from statutory text "may have been an unintentional drafting gap," and although the omission was "odd," it was not "absurd" and accordingly, "it [wa]s up to Congress rather than the courts to fix it" (quotation marks omitted)); *United States v. Smith*, 500 F.3d 27, 33 (1st Cir. 2007) ("Even if one thought that the result here was odd . . ., it is not our role to revise the plain language of the statute simply because we think that an alternative construction is more sensible."). Section 1904 quite plainly

[10] The statute arguably does not contemplate nor countenance such a finding because a defendant facing an inability to comply with deferment requirements has a "duty" under 17-A M.R.S. § 1902(3) to move to modify the requirements. The timely filing of a motion to modify allows the parties and the court to determine the appropriate course of action *before* the deferment period has expired, thereby ensuring that they are not faced with a fait accompli at the end of the period.

[11] Whether and how to address apparent gaps in both sections 1903 and 1904 are questions not for us, but for the Legislature. *See In re Dustin C.*, 2008 ME 89, ¶ 8 n.3, 952 A.2d 993; *Johnson v. Kostis Fruit Co.*, 281 A.2d 318, 320 n.2 (Me. 1971).

allows for discretionary review only in cases where the court has found that a defendant's failure to comply was inexcusable—a category that does not include Reardon. "We will not rewrite a statute where its meaning is plain." *State v. Conroy*, 2020 ME 22, ¶ 19, 225 A.3d 1011.

The entry is:

Appeal dismissed.

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Piscataquis County Unified Criminal Docket docket number CR-2020-300
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