

# MAINE JUDICIAL BRANCH

UNIFIED CRIMINAL DOCKET

County: AROOSTOOK

Location (Town): Caribou

Docket No.: AROCD-CR-2021-20271

STATE OF MAINE

## JUDGMENT AND COMMITMENT

V.

ERNEST FYANS

*verdict - 9/20/23*

Date (mm/dd/yyyy): 1/8/26 sentencing

DOB (mm/dd/yyyy): 02/24/1939

Offense(s) charged:

**GROSS SEXUAL ASSAULT**

Class: A DOV: 01/01/1990 Seq #: 637 Title: 17-A / 253 / 1 / B

**UNLAWFUL SEXUAL CONTACT**

(OTHER ENHANCEMENT)

Class: B DOV: 01/01/1990 Seq #: 4236 Title: 17-A / 255 / 1 / C

Plea(s): ☐ Guilty ☐ Nolo ☒ Not Guilty

Charge: 1

Charged by:

☒ indictment

Charge: 2

☐ information

☐ complaint

Offense(s) convicted:

☒ **GROSS SEXUAL ASSAULT**

Class: A DOV: 01/01/1990 Seq #: 637 Title: 17-A / 253 / 1 / B

☐ **UNLAWFUL SEXUAL CONTACT**

(OTHER ENHANCEMENT)

Class: B DOV: 01/01/1990 Seq #: 4236 Title: 17-A / 255 / 1 / C

Charge: 1

Convicted on:

☐ plea

Charge: 2

☒ jury verdict

☐ court finding

*- Judgment of acquittal entered as to Ct. 2*

It is adjudged that the defendant is guilty of the offenses as shown above and convicted.

☒ It is adjudged that the defendant be hereby committed to the sheriff of the within named county or the defendant's authorized representative who shall without needless delay remove the defendant to:

☒ The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of 15 years (Ct. 1)

☐ A County jail to be punished by imprisonment for a term of \_\_\_\_\_

☐ This sentence to be served ☐ consecutively to ☐ concurrently with \_\_\_\_\_

☐ Alternative Sentence may be served at \_\_\_\_\_

☐ Execution stayed to on or before (mm/dd/yyyy): \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.

**PLEASE NOTE: Your sentence does not include any assurance about the location of the facility where you will be housed during your commitment.**

☐ It is ordered that all (☐ but) \_\_\_\_\_ of the sentence ☐ as it relates to confinement ☐ as it relates to the \_\_\_\_\_ be suspended and the defendant be placed on a period of \_\_\_\_\_

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☐ probation ☐ supervised release ☐ administrative release for a term of \_\_\_\_\_ ☐ years ☐ months  
upon conditions attached hereto and incorporated by reference herein. ☐ Said probation or supervised release to commence  
☐ (mm/dd/yyyy) \_\_\_\_\_ ☐ upon completion of the unsuspended term of imprisonment. ☐ Said  
administrative release to commence immediately.  
☐ The defendant shall serve the initial portion of the foregoing sentence at a County jail.

☒ It is ordered that the defendant forfeit and pay the sum of \$ CUF as a fine to the  
clerk of the court, plus applicable surcharges and assessments. ☐ All but \$ \_\_\_\_\_ suspended. The total amount  
due, including surcharges and assessments is \$ \_\_\_\_\_. This amount is payable immediately or in accordance with  
the Order on Payment of Fines incorporated by reference herein.

☐ It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ as restitution for the benefit of  
\_\_\_\_\_. (17-A M.R.S. § 2003).  
☐ Restitution is joint and several with \_\_\_\_\_ pursuant to  
17-A M.R.S. § 2010.  
☐ Restitution is to be paid through the office of the prosecuting attorney, except that during any period of commitment to the  
Department of Corrections and/or any period of probation imposed by this sentence, restitution is to be paid to the Department of  
Corrections.  
☐ A separate order for income withholding has been entered pursuant to 17-A M.R.S. § 2007 incorporated by reference herein.  
☐ Execution/payment stayed to pay in full by (mm/dd/yyyy) \_\_\_\_\_.  
☐ Installment payments of \$ \_\_\_\_\_ to be made ☐ weekly ☐ biweekly ☐ monthly or warrant to issue.  
☐ Restitution is to be paid to the Department of Corrections on a schedule to be determined by the Department.

☐ It is ordered that the defendant forfeit the money and/or property described below to the State of Maine \_\_\_\_\_  
\_\_\_\_\_. (15 M.R.S. § 5826),  
as a result of the conviction or adjudication on count(s) \_\_\_\_\_. Notice to be sent to any third parties in  
accordance with 15 M.R.S. § 5826(5). The State will submit a final order of disposition of property as set forth in 15 M.R.S. § 5826(6).

☐ It is ordered pursuant to applicable statutes, that the defendant's motor vehicle operator's license or permit to operate, right to operate  
a motor vehicle and right to apply for and obtain a license and/or the defendant's right to register a motor vehicle is suspended in  
accordance with notice of suspension incorporated herein, as to count(s) \_\_\_\_\_. 29-A M.R.S. § 2411(5) and 29-A  
M.R.S. § 2416  
☐ If defendant is convicted of a charge under 29-A M.R.S. § 2411(5)(B),(C), or (D), it is hereby ordered pursuant to 29-A M.R.S.  
§ 2411(5)(F), that the defendant shall participate in the alcohol and drug program of the Department of Health and Human Services.  
☐ The Court finds that the defendant has completed an alcohol or other drug treatment program subsequent to the date of the offense,  
and the requirement of participation in the alcohol and drug program of the Department of Health and Human Services  
is hereby waived. 29-A M.R.S. § 2411(5)(F).

☐ It is ordered that the defendant perform \_\_\_\_\_ hours of court-approved community service work to be completed by  
(mm/dd/yyyy) \_\_\_\_\_ for the benefit of \_\_\_\_\_.

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If proof of community service is not filed with the court by the above date, defendant MUST appear at (court address) \_\_\_\_\_  
\_\_\_\_\_ on (mm/dd/yyyy) \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.

☐ It is ordered that the defendant pay \$ \_\_\_\_\_ for each day served in the county jail, to the treasurer of the  
above named county. (up to \$80/day) (17-A M.R.S. § 1751)

☐ Execution/payment stayed to pay in full by (mm/dd/yyyy) \_\_\_\_\_ or warrant to issue.

☐ It is ordered that the defendant forfeit to the state the firearm used by the defendant during the commission of the offense(s) shown  
above. (17-A M.R.S. § 1504)

☒ It is ordered that the defendant is prohibited from owning, possessing or having under the defendant's control a firearm. (15 M.R.S.  
§ 393)

☐ Other: \_\_\_\_\_

☐ It is ordered that the defendant be unconditionally discharged. (17-A M.R.S. § 1502, 2051)

If the defendant has been convicted of an applicable offense listed in 25 M.R.S. § 1574, then the defendant shall submit to having a  
DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of  
the probation period as directed by the probation officer.

**PLEASE NOTE: It is a violation of state law, and may be a violation of federal law, for the defendant to own, possess, or have  
under their control a firearm if that prohibition has been entered as part of this judgment or any other court order or is prohibited  
by statute.**

It is further ordered that the clerk deliver a certified copy of this judgment and commitment to the sheriff of the above-named county  
or the defendant's authorized representative and that the copy serve as the commitment of the defendant. Reasons for imposing consecutive  
sentences are contained in the court record or in attachments hereto.

All pending motions, other than motions relating to payment of restitution, fines, fees, and counsel fees are hereby declared moot  
(except \_\_\_\_\_).

A TRUE COPY, ATTEST: \_\_\_\_\_  
Clerk

X \_\_\_\_\_  
☐ Judge ☒ Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this Judgment and Commitment.

I hereby acknowledge that the disclosure of my Social Security number on the Social Security Disclosure Form is mandatory under  
36 M.R.S. § 185. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in  
this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also  
may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to  
represent me. Collection of any fine or reimbursement of money, which I owe to the State of Maine, will be accomplished by  
offsetting money I owe to the State against my State of Maine income tax refund or against any lottery winnings I may receive under  
36 M.R.S. § 185-A.

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**SS Number Disclosure Required on separate form.**

Date (mm/dd/yyyy):

1/8/26

X

Signature of Defendant

Mailing Address:

Residential Address:

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