

**APPENDIX**

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# Appendix A

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions

Decision: 2021 ME 56

Docket: Yor-20-246

Submitted

On Briefs: October 20, 2021

Decided: November 9, 2021

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

STATE OF MAINE

v.

CHRISTOPHER N. BILYNSKY

MEAD, J.

[¶1] Christopher Bilynsky appeals from a judgment of conviction of violation of condition of release (Class C), 15 M.R.S. § 1092(1)(B) (2021), entered in the trial court (York County, *D. Driscoll, J.*) following a jury trial.<sup>1</sup> Bilynsky contends that the court erred in (1) informing the jury of a joint stipulation of facts when the stipulation was signed by his counsel but not him personally and (2) its instructions to the jury. He also contends that the evidence at trial was insufficient to support the jury's finding. We affirm the judgment.

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<sup>1</sup> We have considered Bilynsky's motion for oral argument, and deny the motion.

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## I. BACKGROUND

[¶2] On June 22, 2018, the York County Unified Criminal Docket Court set preconviction bail for Bilynsky for a crime punishable by a maximum period of imprisonment of one year or more with the special condition of “no contact, direct or indirect,” with the alleged victim. *See* 15 M.R.S. §§ 1026(1)(B), (3)(A)(5) (2018).<sup>2</sup> On July 31, 2018, Bilynsky was an inmate in the York County Jail under those bail conditions when he attended a church service held within the jail. The named victim of Bilynsky’s underlying offense was also incarcerated in the York County Jail and also attended the July 31, 2018, jail church service. Bilynsky, through gestures and words, made contact with the named victim at the church service.

[¶3] Bilynsky was indicted, and a jury trial was held on March 26, 2019. During an in-chambers conference before the trial, a stipulation of undisputed facts was discussed and the attorneys for the State and defense agreed that the stipulation would be read to the jury during the trial. Bilynsky’s attorney informed the presiding judge that the final version of the stipulation was not yet signed because he wanted to review it with Bilynsky. At some point off the

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<sup>2</sup> Title 15 M.R.S. § 1026(3)(A) has since been amended, most recently by P.L. 2021, ch. 397, §§ 2, 3, 4 (effective Oct. 18, 2021) (codified at 15 M.R.S. §§ 1026(3)(A)(9-A), (B-1)(1)-(6) (2021)).

# Appendix A

record, the stipulation was signed by Bilynsky's attorney and was submitted to the trial court. The stipulation stated:

The following is stipulated to by the State and the Defense and shall be entered as part of the evidence in the above captioned matter.

....

2. On or about July 31, 2018, Christopher Bilynsky was on pre-conviction bail for a crime punishable by a maximum period of imprisonment of one year or more;
3. As part of the pre-conviction bail, there was a condition of no contact with [the named victim];
4. [The named victim] was the victim of the alleged crime that Christopher Bilynsky was on bail for;
5. Christopher Bilynsky received notice of these bail conditions by a judge on June 22, 2018.

The stipulation was read to the jury after both parties completed their opening statements. Following trial, the jury found Bilynsky guilty. After holding a sentencing hearing on August 14, 2019, the court entered a judgment on the verdict and sentenced Bilynsky to forty-eight months of incarceration. Bilynsky timely filed a Rule 35 motion for a correction or reduction of his sentence. *See* M.R.U. Crim. P. 35. A Rule 35 hearing was held virtually on August 26, 2020,

# Appendix A

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where, following arguments, the court denied the motion. Bilynsky timely filed a notice of appeal.<sup>3</sup> *See* M.R. App. P. 2B(b)(2)(D).

## II. DISCUSSION

### A. Stipulation of Facts

[¶4] Bilynsky contends that he never agreed to the stipulation—or the facts it contained—which encompassed nearly every element the State was required to prove beyond a reasonable doubt. Because Bilynsky failed to object or otherwise challenge the admission or reference to the stipulated facts at trial, we review his challenge for obvious error. *See State v Lovejoy*, 2014 ME 48, ¶ 19, 89 A.3d 1066. To vacate a conviction based on obvious error, “there must be (1) an error, (2) that is plain, and (3) that affects substantial rights.” *Id.* (quotation marks omitted). When those conditions are met, “we will exercise our discretion to notice an unpreserved error only if we also conclude that (4) the error seriously affects the fairness and integrity or public reputation of judicial proceedings.” *Id.* (quotation marks omitted).

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<sup>3</sup> Bilynsky’s appeal was initially docketed in error as a discretionary appeal from only the denial of his Rule 35 motion. *See* M.R. App. P. 19(a)(2)(A). On May 11, 2021, we issued an order permitting Bilynsky to brief his appeal from the judgment of conviction because his notice of appeal was timely and effective to challenge the conviction. M.R. App. P. 2B(b)(2)(D) (extending the time to file an appeal in a criminal case by the timely filing of certain motions).

[¶5] “The best practice for parties wishing to enter into a stipulation is to either file a written stipulation signed by the parties or their attorneys or orally enter the stipulation on the record.” *Potter v. Great Falls Ins. Co.*, 2020 ME 144, ¶ 10 n.4, 243 A.3d 1188. Here, a written stipulation signed by both attorneys was filed with the court. Additionally, the record demonstrates that the stipulation was discussed, read, or referenced at least seven times in Bilynsky’s presence during the trial, including by his admissions to its stated facts in his own opening and closing arguments. At no time did Bilynsky or his attorney object to the stipulation or any of its facts at trial. Although Bilynsky now argues that the judge should have conducted the equivalent of a M.R.U. Crim. P. 11 colloquy with him on the record to confirm that he agreed to the contents of the stipulation, he fails to offer any authority mandating such a colloquy. Because the stipulation of facts was signed by both attorneys and was filed with the court, the trial court committed no error, and certainly no plain error, that affected Bilynsky’s substantial rights by reading the stipulation to the jury.

## **B. Jury Instructions**

[¶6] Bilynsky next contends the trial court erroneously omitted essential elements of the charge of violation of condition of release, 15 M.R.S.

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§ 1092(1)(B), when it did not instruct the jury as to the required contents of a release order as set out in 15 M.R.S. § 1026(5) (2018).<sup>4</sup> If a defendant affirmatively agrees to the instructions provided to the jury, the defendant waives the ability to challenge them on appeal. *State v. McLaughlin*, 2020 ME 82, ¶ 25, 235 A.3d 854.

[¶7] Like the defendant in *McLaughlin*, at trial Bilynsky “neither requested a jury instruction” on the required contents of a release order “nor objected to the jury instructions that were given, even though he had multiple opportunities to do so.” *Id.* Consequently, he has waived any challenge to the absence of that instruction on appeal. *See id.* Furthermore, a review of the trial court’s oral instructions shows that they “fairly and accurately informed the jury of all necessary elements of the governing law” as well as the State’s burden of proof necessary for the jury to find Bilynsky guilty of violation of condition of release pursuant to 15 M.R.S. § 1092(1)(B). *State v. Lajoie*, 2017 ME 8, ¶ 18, 154 A.3d 132.

### C. Jury Findings

[¶8] Bilynsky also contends that there was insufficient evidence presented at trial for a jury to find him guilty of the Class C offense of violation

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<sup>4</sup> Title 15 M.R.S. § 1026(5) has since been amended. P.L. 2021, ch. 397, § 6 (effective Oct. 18, 2021) (codified at 15 M.R.S. § 1026(5)(A)(1)-(2) (2021)).

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of condition of release. “When a defendant challenges the sufficiency of the evidence supporting a conviction, we determine, viewing the evidence in the light most favorable to the State, whether a trier of fact rationally could find beyond a reasonable doubt every element of the offense charged.” *State v. Dorweiler*, 2016 ME 73, ¶ 6, 143 A.3d 114 (quotation marks omitted).

[¶9] To prove that a person committed a Class C violation of condition of release, the State must prove beyond a reasonable doubt that (1) a person has been granted preconviction or postconviction bail; (2) that person violated a condition of release; (3) the underlying crime was punishable by a maximum period of imprisonment of one year or more; and (4) the condition of release violated is one specified in a specific subsection of section 1026, such as “avoid all contact with a victim of the alleged crime.” 15 M.R.S. § 1026(3)(A)(5) (2018); *see* 15 M.R.S. §1092(1)(B). As previously discussed, a stipulation of facts agreed to by Bilynsky and the State was read to the jury during trial. Thus, Bilynsky stipulated that (1) he was on preconviction bail on July 31, 2018; (2) the underlying crime for his preconviction bail was a crime punishable by a maximum period of imprisonment of one year or more; (3) a condition of his preconviction bail was that he would have no contact with the named victim; and (4) the named victim was the same victim of the crime for which Bilynsky



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was on bail. Bilynsky's attorney stated in his closing, "We agree, as the defense and as the prosecution, that those facts, those stipulations are true and that we need—neither side go any further to prove to you that those conditions existed. Okay? We are agreeing to that."

[¶10] "Where a defendant stipulates to an element of the crime, the State is relieved of the burden of introducing evidence other than the stipulation itself to prove that element." *State v. Ouellette*, 2019 ME 75, ¶ 12, 208 A.3d 399 (quotation marks omitted). Because Bilynsky and the State stipulated to every element of the crime except that Bilynsky had contact with the victim of his crime, the State's only remaining burden was proving beyond a reasonable doubt that Bilynsky had contact with his victim. *See id.*; 15 M.R.S. §1092(1)(B). At trial, the jurors watched a video of the alleged contact and also heard testimony from the victim and a prison guard that Bilynsky made contact with her. Based on this record and viewing the evidence in the light most favorable to the State, we conclude the jury rationally could have found beyond a reasonable doubt every element of the crime charged. *See Dorweiler*, 2016 ME 73, ¶ 6, 143 A.3d 114.

The entry is:

Judgment affirmed.

# Appendix A

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Lawrence C. Winger, Esq., Portland, for appellant Christopher N. Bilynsky

Kathryn Slattery, District Attorney, and Shira S. Burns, Asst. Dist. Atty.,  
Prosecutorial District 1, Alfred, for appellee State of Maine

York County Unified Criminal Docket docket numbers CR-2018-577 & CR-2018-824  
FOR CLERK REFERENCE ONLY

Appendix B

STATE OF MAINE  
YORK,ss


UNIFORM CRIMINAL DOCKET  
YRKCDJR-18-824

STATE OF MAINE	)	
	)	
v.	)	STIPULATION
	)	
CHRISTOPHER BILYNSKY	)	

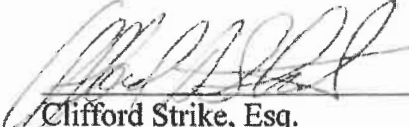
The following is stipulated to by the State and Defense and shall be entered as part of the evidence in the above captioned matter.

1. State's Exhibit 1 – video of York County Jail's chapel from July 31, 2018;
2. On or about July 31, 2018, Christopher Bilynsky was on pre-conviction bail for a crime punishable by a maximum period of imprisonment of one year or more;
3. As part of the pre-conviction bail, there was a condition of no contact with Ashley Cox;
4. Ashley Cox was the victim of the alleged crime that Christopher Bilynsky was on bail for;
5. Christopher Bilynsky received notice of these bail conditions by a judge on June 22, 2018;
6. On or about July 31, 2018, there was an active final protective order against Christopher Bilynsky issued by a court in the State of Maine;
7. The final protective order prohibited Christopher Bilynsky from having direct or indirect contact with Ashley Cox; and
8. Christopher Bilynsky received notice of this final protective order by law enforcement on July 16, 2018.

Date: 3/26/19

  
 Shira Burns, Esq.  
 Assistant District Attorney  
 Maine Bar Number 004851

Date: 3/26/19

  
 Clifford Strike, Esq.  
 Defense Attorney  
 Maine Bar Number 8319

# Appendix C

## STATE OF MAINE

YORK, ss

UNIFIED CRIMINAL  
DOCKET COURT  
Location: Alfred  
Docket No. CR-19-423

Christopher Bilynsky,  
Petitioner

v.

### ORDER

State of Maine,  
Respondent

This matter came before the court today for a scheduled hearing on Mr. Bilynsky's Petition for Post-Conviction Review in the above-captioned matter. Mr. Bilynsky appeared with counsel, Attorney David Paris, Esq. The State was represented by Assistant District Attorney Shira Burns, Esq. The proceeding today was held via the ZOOM video platform. The parties engaged in negotiations and they resolved the issues raised in the Petition in the above-captioned matter by way of agreed-to alterations in the dispositions in the underlying cases (CR-17-1024 and CR-18-89). The alterations in the dispositions in CR-17-1024 and CR-18-89 were accomplished today.

Accordingly, by agreement of the parties, Mr. Bilynsky's Petition for Post-Conviction Review in the above-captioned matter is withdrawn, with prejudice.

Date: November 10, 2021



Judge

Appendix D

STATE OF MAINE  
YORK, ss

SUPERIOR COURT  
LOCATION: ALFRED  
DOCKET NO: 17-1024

STATE OF MAINE

INFORMATION

v.

**CHRISTOPHER N BILYNSKY**

**COUNT 4: TERRORIZING**

DOB: 03/26/1970  
SIN: MER009568  
26 Phillipstown Lane  
Sanford, ME 04073  
G: Male Ht: 6' 1" Wt: 175 H: Brown  
E: Green R: White

*Received  
in court  
11/10/21  
Jm*

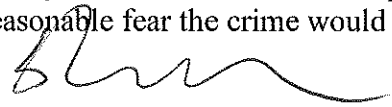
**THE ATTORNEY FOR THE STATE CHARGES:**

**COUNT 4:**

**17-A M.R.S. §210(1)(A)  
Seq No: 4258  
TERRORIZING  
CLASS D  
ATNCTN 252762B004**

On or about December 26, 2017, in Springvale, YORK County, Maine, **CHRISTOPHER N BILYNSKY**, did communicate to Ashley Cox a threat to commit, or to cause to be committed, a crime of violence dangerous to human life, murder, against Ashley Cox, and the natural and probable consequence of the threat was to place Ashley Cox in reasonable fear the crime would be committed.

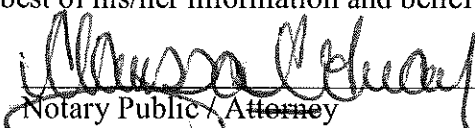
DATED: November 10, 2021

  
SHIRA S. BURNS, Bar # 4851  
ATTORNEY FOR THE STATE

STATE OF MAINE  
YORK, ss

The above-named Attorney for the State personally appeared before me and made oath that the above information signed by him/her is true to the best of his/her information and belief.

DATED: November 10, 2021

  
Notary Public / Attorney  
**Clarissa C. Guay**  
Notary Public, State of Maine  
My Commission Expires January 27, 2026

OFFICER: Eddie Murphy  
DEPT: Sanford Police Department  
JW#: 17-9684

Class D & E Crimes

Leave of Court for prosecution by information is granted.

DATED: November 10, 2021

  
JUDGE/JUSTICE

# Appendix D

STATE OF MAINE  
YORK, ss

SUPERIOR COURT  
LOCATION: ALFRED  
DOCKET NO: 17-1024

*Received  
in court  
11/10/21  
JPN*

STATE OF MAINE

v.

**DISMISSAL**  
**(M.R.U. Crim. P. 48 (a))**

**CHRISTOPHER N BILYNSKY**

Pursuant to Rule 48(a) of the Maine Rules of Unified Criminal Procedure, the Attorney for the State hereby dismisses Count 3 of the Information against the Defendant for the following reason(s):

Defendant has pled to other charges.  
Plead to Count 4 Terrorizing (Class D)

Dated: November 10, 2021



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ATTORNEY FOR THE STATE  
Bar No. 004851

copy: David Paris ESQ

Appendix D

Docket No. YRKCD-CR-2017-01024 County/Location YORK Male Female Date: 11/10/21 DOB 03/26/1970

State of Maine v. CHRISTOPHER N BILYNSKY Residence: 25 PHILLIPSTOWN LANE SANFORD ME

Offense(s) charged: DOMESTIC VIOLENCE TERRORIZING, PRIORS DV (OTHER ENHANCEMENT) Charge:1 Charged by: indictment information DOMESTIC VIOLENCE CRIMINAL THREATENING, PRIORS DV TERRORIZING Charge:2 Charge:3 complaint

Plea(s): Guilty Nolo Not Guilty Date of Violation(s):

Offense(s) convicted: DOMESTIC VIOLENCE TERRORIZING, PRIORS DV Dismissed on 4/30/2018 Charge: 1 plea DOMESTIC VIOLENCE CRIMINAL THREATENING, PRIORS DV Dismissed on 4/30/2018 Charge: 2 court finding TERRORIZING Dismissed on 11/10/2021 Charge: 3

It is adjudged that the defendant is guilty of the offenses as shown above and convicted. see page 3

It is adjudged that the defendant be hereby committed to the sheriff of the within named county or his authorized representative who shall without needless delay remove the defendant to: A County jail to be punished by imprisonment for a term of CT-4: 72 Days \*credit for time served\*

Notice to Defendant: 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 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 ( ) (upon completion of the unsuspended term of imprisonment).

# Appendix D

- said administrative release to commence immediately.
- The defendant shall serve the initial portion of the foregoing sentence at a County jail.

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- It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ 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.

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- It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ as restitution for the benefit of \_\_\_\_\_ (17-A M.R.S. § 1152-2-A).
  - Restitution is joint and several pursuant to 17-A M.R.S. § 1326-E.
  - 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. § 1326-B incorporated by reference herein.
  - Execution/payment stayed to pay in full by \_\_\_\_\_
  - 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.

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- 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.

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- It is ordered that the defendant perform \_\_\_\_\_ hours of court-approved community service work within \_\_\_\_\_ (weeks) (months) for the benefit of \_\_\_\_\_.

---

- 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. § 1341)
  - Execution/payment stayed to pay in full by \_\_\_\_\_ or warrant to issue.

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- It is ordered that the defendant shall participate in alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the office of substance abuse. (29 M.R.S. § 1312-B (2)(D-1), 29-A M.R.S. § 2411 (5)(F))

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- 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. § 1158)

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- 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)

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- Other: \_\_\_\_\_

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- It is ordered that the defendant be unconditionally discharged. (17-A M.R.S. § 1201)

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.

**WARNING: 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.**

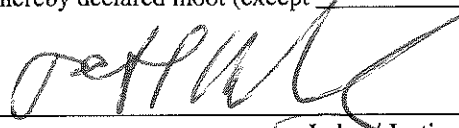


# Appendix D

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 his 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 fees and bail are hereby declared moot (except \_\_\_\_\_.)

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

  
\_\_\_\_\_  
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. § 5276-A. 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.

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

Date: \_\_\_\_\_

Defendant \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**Offense(s) charged:**

**TERRORIZING**

Class: D DOV: 12/26/2017 Seq #: 4258 Title: 17-A / 210 / 1 / A

Charge: 4

**Charged by:**

- indictment
- information
- complaint

Plea(s):  Guilty  Nolo  Not Guilty \_\_\_\_\_

Date of Violation(s): \_\_\_\_\_

**Offense(s) convicted:**

**TERRORIZING**

Class: D DOV: 12/26/2017 Seq #: 4258 Title: 17-A / 210 / 1 / A

Charge: 4

**Convicted on:**

- plea
- jury verdict
- court finding

# Appendix D

STATE OF MAINE  
YORK, ss

UNIFIED CRIMINAL DOCKET  
DOCKET NOS. 18-89

*Received  
11/10/21  
Jm*

STATE OF MAINE

v.

## MOTION TO AMEND INDICTMENT AND ORDER

**Christopher N Bilynsky**

The State of Maine moves to amend the Indictment in 18-89 as follows:

1. On April 20, 2018, Defendant was found guilty in docket number 18-89 in Count 4, among other charges, to a Class C Violation of Conditions of Release. The State is requesting to amend the Indictment to strike the language “for a crime punishable by a maximum period of imprisonment of one year or more” and “[t]he victim in the case for which the bail was granted was a family or household member as defined by 19-A M.R.S. §4002(4).” Striking this language would make this Violation of Conditions of Release a Class E crime with a sequence number of 9632.
2. Defense does not object to the granting of this motion.

WHEREFORE, the State requests that the Court amend the Indictment as requested above.

Dated: November 10, 2021,

*Shira S. Burns*

Shira Burns  
Attorney for the State  
Bar No.: 004851

### ORDER

Motion (~~denied~~) (granted). Indictment amended as set forth above.

Dated: 11/10/21

  
Justice/Judge

Copy: David Paris ESQ

Appendix D

<b>State Of Maine</b>		UNIFIED CRIMINAL DOCKET		<b>JUDGMENT AND COMMITMENT</b>	
Docket No. YRKCD-CR-2018-00089	County/Location YORK	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date : 11/10/21	DOB 03/26/1970	
State of Maine v. CHRISTOPHER N BILYNSKY			Residence: 25 PHILLIPSTOWN LANE SANFORD ME		
Offense(s) charged: <b>UNLAWFUL POSSESSION OF METHAMPHETAMINE</b> Class: C DOV: 02/01/2018 Seq #: 13380 Title: 17-A / 1107-A / 1 / B / 7 <b>VIOLATING CONDITION OF RELEASE</b> Class: C DOV: 01/31/2018 Seq #: 9633 Title: 15 / 1092 / 1 / B <b>VIOLATING CONDITION OF RELEASE</b> Class: C DOV: 01/31/2018 Seq #: 9633 Title: 15 / 1092 / 1 / B		Charge: 1 Charge: 2 Charge: 3	Charged by: <input checked="" type="checkbox"/> indictment <input checked="" type="checkbox"/> information <input type="checkbox"/> complaint		
Plea(s): <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Not Guilty <u>Ad Amended to CT. 4</u> Date of Violation(s): _____					
Offense(s) convicted: <input type="checkbox"/> UNLAWFUL POSSESSION OF METHAMPHETAMINE <i>Dismissed</i> Class: C DOV: 02/01/2018 Seq #: 13380 Title: 17-A / 1107-A / 1 / B / 7 <i>on 4/20/18</i> <input type="checkbox"/> VIOLATING CONDITION OF RELEASE <i>Dismissed on 11/10/21</i> Class: C DOV: 01/31/2018 Seq #: 9633 Title: 15 / 1092 / 1 / B <input type="checkbox"/> VIOLATING CONDITION OF RELEASE <i>Dismissed on 4/20/18</i> Class: C DOV: 01/31/2018 Seq #: 9633 Title: 15 / 1092 / 1 / B		Charge: 1 Charge: 2 Charge: 3	Convicted on: <input checked="" type="checkbox"/> plea <input type="checkbox"/> jury verdict <input type="checkbox"/> court finding <i>see page 3</i>		
It is adjudged that the defendant is guilty of the offenses as shown above and convicted.					
<input type="checkbox"/> It is adjudged that the defendant be hereby committed to the sheriff of the within named county or his authorized representative who shall without needless delay remove the defendant to: <ul style="list-style-type: none"> <li><input type="checkbox"/> 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 _____</li> <li><input checked="" type="checkbox"/> A County jail to be punished by imprisonment for a term of <u>CT. 6: 6 months</u> <u>CT. 4: 6 months concurrent</u> <u>with CT. 6</u></li> <li><input type="checkbox"/> This sentence to be served (consecutively to) (concurrently with) <u>YRKCD-CR-2017-1024 CT. 3</u></li> <li><input type="checkbox"/> Execution stayed to on or before: _____ at _____ (a.m.)(p.m.)</li> </ul>					
<b>Notice to Defendant: Your sentence does not include any assurance about the location of the facility where you will be housed during your commitment.</b>					
<input type="checkbox"/> 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 <ul style="list-style-type: none"> <li><input type="checkbox"/> probation <input type="checkbox"/> supervised release <input type="checkbox"/> administrative release</li> <li>for a term of _____ (years)(months) upon conditions attached hereto and incorporated by reference herein.</li> <li><input type="checkbox"/> said probation or supervised release to commence ( _____ ) (upon completion of the unsuspended term of imprisonment).</li> <li><input type="checkbox"/> said administrative release to commence immediately.</li> <li><input type="checkbox"/> The defendant shall serve the initial portion of the foregoing sentence at a County jail.</li> </ul>					

# Appendix D



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

Clerk

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. § 5276-A. 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.

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

Date: \_\_\_\_\_

Defendant \_\_\_\_\_

Address \_\_\_\_\_

**Offense(s) charged:**

**VIOLATING CONDITION OF RELEASE**

Class: C DOV: 02/01/2018 Seq #: 9633 Title: 15 / 1092 / 1 / B

Charge: 4

**Charged by:**

indictment

**VIOLATING CONDITION OF RELEASE**

Class: E DOV: 02/01/2018 Seq #: 9632 Title: 15 / 1092 / 1 / A

Charge: 5

information

**TRAFFICKING IN PRISON CONTRABAND**

Class: C DOV: 02/01/2018 Seq #: 4535 Title: 17-A / 757 / 1 / B

Charge: 6

complaint

Plea(s):  Guilty  Nolo  Not Guilty \_\_\_\_\_

Date of Violation(s): \_\_\_\_\_

**Offense(s) convicted:**

**VIOLATING CONDITION OF RELEASE**

Class: E DOV: 02/01/2018 Seq #: 9632 Title: 15 / 1092 / 1

Charge: 4

**Convicted on:**

plea

**VIOLATING CONDITION OF RELEASE** - *Dismissed*

Class: E DOV: 02/01/2018 Seq #: 9632 Title: 15 / 1092 / 1 / A *on 4/20/18*

Charge: 5

jury verdict

**TRAFFICKING IN PRISON CONTRABAND** *Previously*

Class: C DOV: 02/01/2018 Seq #: 4535 Title: 17-A / 757 / 1 / B *sentenced on 4/20/18*

Charge: 6

court finding

# Appendix D

It is ordered that the defendant forfeit and pay the sum of \$ \_\_\_\_\_ 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. § 1152-2-A).

Restitution is joint and several pursuant to 17-A M.R.S. § 1326-E.

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. § 1326-B incorporated by reference herein.

Execution/payment stayed to pay in full by \_\_\_\_\_

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 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.

It is ordered that the defendant perform \_\_\_\_\_ hours of court-approved community service work within \_\_\_\_\_ (weeks) (months) for the benefit of \_\_\_\_\_.

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. § 1341)

Execution/payment stayed to pay in full by \_\_\_\_\_ or warrant to issue.

It is ordered that the defendant shall participate in alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the office of substance abuse. (29 M.R.S. § 1312-B (2)(D-1), 29-A M.R.S. § 2411 (5)(F))

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. § 1158)

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. § 1201)

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.

**WARNING: 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.**

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 his 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 fees and bail are hereby declared moot (except \_\_\_\_\_.)

# Appendix D

STATE OF MAINE  
YORK, ss

SUPERIOR COURT  
LOCATION: ALFRED  
DOCKET NO: 18-89

STATE OF MAINE

v.

**DISMISSAL**  
**(M.R.U. Crim. P. 48 (a))**

**CHRISTOPHER N BILYNSKY**

Pursuant to Rule 48(a) of the Maine Rules of Unified Criminal Procedure, the Attorney for the State hereby dismisses Count 2 of the Indictment against the Defendant for the following reason(s):

Based upon findings of guilt in other counts

Dated: November 5, 2021

*Shira S. Burns*

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ATTORNEY FOR THE STATE  
SHIRA S. BURNS  
Bar No. 004851

copy: David Paris ESQ

YORK COUNTY SUPERIOR  
NOV 5 '21 PM 2:52