

STATE OF MAINE  
WASHINGTON, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. \_\_\_\_\_

STATE OF MAINE, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
DALE O'BRIEN )  
(DOB 11/22/1970) )  
 )  
Defendant )

**COMPLAINT**  
(Injunctive Relief Requested)

I. INTRODUCTION

1. The Attorney General brings this civil action for injunctive and other relief pursuant to the Maine Civil Rights Act, 5 M.R.S. §§ 4681-4685.

II. PARTIES AND JURISDICTION

2. Plaintiff State of Maine is a sovereign state and brings this action pursuant to 5 M.R.S. § 4681.

3. Defendant Dale O'Brien (the "Defendant") is a 52-year-old man who resides in Jonesboro, Maine.

4. This Court has jurisdiction over this action pursuant to 4 M.R.S. § 105 and 5 M.R.S. § 4681(2).

5. Venue is proper pursuant to 5 M.R.S. § 4681(2).

III. STATUTORY BACKGROUND

6. Title 5 M.R.S. § 4681 provides a cause of action for the Attorney General to seek an injunction against any person who intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of

property or trespass on property, with the exercise or enjoyment by any other person of rights secured by the Constitution and laws of the United States or the State of Maine.

7. Title 5 M.R.S. § 4684-A provides that a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property, motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity.

8. Each violation of 5 M.R.S. § 4681 is a civil violation for which a civil penalty of up to \$5,000 may be adjudged.

#### IV. FACTS

9. The victims are a 38-year-old black man (Victim 1) and his wife, a 37-year-old white woman (Victim 2) (collectively “the Victims”). Victim 1 and Victim 2 reside in the town of Jonesboro, Maine.

10. On or about April 11, 2023, just after noon, the Victims were walking along Corky’s Way, a private road in Jonesboro, with their three young children and two dogs. The owner of Corky’s Way had previously granted the Victims a license to walk along the private road.

11. The Victims were approached by the wife of the Defendant, who threatened the Victims that they could be shot for walking on private property. The Victims informed the Defendant’s wife, as they had on previous occasions, that the owner of Corky’s Way had granted them a license to walk along the private road and that they were not trespassing.

12. The Defendant and his wife reside in a home that abuts the private road Corky’s Way. The owner of Corky’s Way has granted the Defendant and his wife a license to travel on

Corky's Way to reach an alternate entrance to the Defendant's property. The Defendant and his wife do not own, and have no authority to restrict access to, Corky's Way.

13. When the Victims, their children, and their dogs were exiting Corky's Way, approximately 20 minutes after the Victims encountered the Defendant's wife, they heard three gunshots.

14. Immediately after the gunshots, the Defendant came out from behind his home alongside Corky's Way and began yelling "get out" at the Victims and their family. The Defendant then pointed a handgun at the Victims and their family for more than 10 seconds and continued to threaten them.

15. After being threatened by the Defendant, Victim 1 pulled out his cellular phone to record the Defendant's words and actions, and the Defendant immediately put his gun away.

16. The Defendant's conduct caused the Victims and their family to fear for their safety. The Victims subsequently reported the Defendant's threatening behavior to the Washington County Sheriff's Office.

17. When the Washington County Sheriff's Office spoke to the Defendant as part of the investigation later that same day, the Defendant commented to the Deputy that the Defendant believed the Sheriff's Office was "bothering him" because the Defendant was white, and Victim 1 was black.

18. On or about March 13, 2023, approximately one month before the Defendants' threats against the Victims and their family, the Defendant expressed bias against Victim 1's race or color while purchasing some spray paint at a local hardware store. The Defendant told the store clerk that he was buying the spray paint to put up a "No Trespassing" sign because he had "a [racial epithet] problem." He further stated that there was "a [racial epithet]" who could not read, and the

Defendant was going to shoot him if the problem continued. The Defendant stated that he would likely be able to get away with shooting the individual, referencing a recent event in the news where someone shot another individual and was not punished. The Defendant added that he “should be able to get away with shooting one [racial epithet] as long as he didn’t have to bring him in to tag him.” The Defendant also bragged to the clerk that he owned a specific type of firearm.

19. The hardware store clerk was alarmed by the Defendant’s comments and reported them to an employee of the Washington County Sheriff’s Department.

20. Additionally, the Defendant has made racially demeaning comments regarding the Victims to their mutual neighbors. On at least one occasion, the Defendant approached the neighbors and owners of the property that separates the Defendant’s property from the Victims’ property. The Defendant asked the neighbors how they like “living next to ‘Salt and Pepper?’” This comment bothered the neighbors, as they have had no problems living next to the Victims.

## V. CAUSE OF ACTION

### COUNT I

21. Plaintiff repeats, realleges, and incorporates herein by reference the averments set forth in paragraphs 1 through 20 of this Complaint.

22. The Defendant has intentionally interfered with the victims’ rights to engage in lawful activities without being subject to physical force or violence, or threats of physical force or violence, based on the Defendant’s bias against the victims’ race or color. This right is secured by the Maine Civil Rights Act, 5 M.R.S. §§ 4681 and 4684-A.

## VI. RELIEF REQUESTED

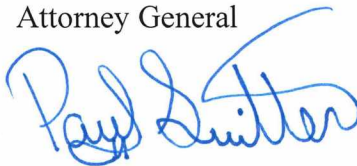
Plaintiff State of Maine respectfully requests that this Court:

1. Enter a Permanent Injunction enjoining the Defendant from:
  - a. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing, or attempting to assault, use physical force or violence, intimidate, coerce, or harass the Victims or any member of their family;
  - b. assaulting, using physical force or violence, threatening to use physical force or violence, or attempting to use physical force or violence on any person motivated by bias based upon race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity;
  - e. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing or attempting to assault, threaten, intimidate, coerce, or harass any person, or causing or attempting to cause damage to or trespass upon the property of any person because he did or might complain of or testify about acts alleged in this Complaint or acts prohibited by Maine or Federal law, or did or might cooperate in any investigation concerning such acts;
  - f. speaking to, telephoning, writing, or otherwise communicating with the Victims or any member of their family;
  - g. knowingly coming within 150 feet of the Victims, their residence, or places of employment;
  - h. encouraging or causing any other person to engage in conduct prohibited in paragraphs (a)-(g) above or assisting any person in engaging in such conduct.
2. Declare that the Defendant has violated the Maine Civil Rights Act, 5 M.R.S. § 4681.
3. Order the Defendant to pay a civil penalty of up to \$5,000 for each violation.

4. Grant other such relief as is just and proper.

Respectfully submitted,

AARON M. FREY  
Attorney General



Dated: August 1, 2023

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