

STATE OF MAINE
KNOX, ss

DISTRICT COURT
LOCATION: ROCKLAND
DOCKET NO: CR-13-192

STATE OF MAINE

COMPLAINT

v.

DAVID J CUTLER

DOB: 12/13/1958

SIN:

135 Miller Cemetery Road

Appleton, ME 04862

G: Male Ht: 5'9" Wt: 190 H: Brown

E: Blue R: White

COUNT 1: ASSAULT

The undersigned officer, being duly sworn, states upon information and belief that:

COUNT 1:

17-A M.R.S.A. §207(1)(A)

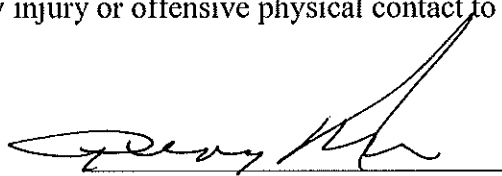
Seq No: 8382

ASSAULT


CLASS D

ATN/CTN 008594B / 001

On or about December 24, 2012, in Warren, Knox County, Maine, **DAVID J CUTLER**, did intentionally, knowingly or recklessly cause bodily injury or offensive physical contact to Renardo Williams.


COMPLAINANT

Sworn to before me, 2/20, 2013

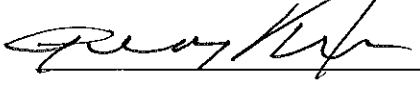

Clerk/Justice of Peace/Judge/Justice

OFFICER: Joseph Fagone
DEPT: Department of Corrections
ARRAIGNMENT: 0.00
JW#:13-738

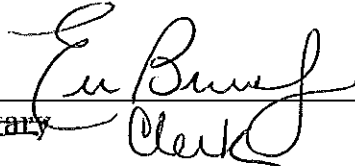
Jail Requested

AFFIDAVIT

I, GEOFFREY RUSHLAN, of the DISTRICT ATTORNEY'S OFFICE
hereby depose and state that the attached ~~police reports~~^{AFFIDAVIT IS} are true and
correct to the best of my knowledge, information and belief.

Dated: 2/20/13 

Personally appeared the above-named GEOFFREY RUSHLAN, of
the DISTRICT ATTORNEY'S OFFICE, and made oath that the above
affidavit is true and correct.

Dated: 2/20/13 
~~Notary~~ Clerk

2/20/13 Probable Cause found for Warrant of
Arrest E. B. Buef
Clerk

AFFIDAVIT IN SUPPORT OF ARREST
Investigator Joseph P. Fagone

I, Joseph P. Fagone, having been duly sworn, hereby depose and say as follows:

I have been a sworn police officer for over 27 years, first serving with the Portland Police Department for over 25 years, and now as a criminal investigator with the Maine Department of Corrections for just over two years. I was working as a criminal investigator relative to all matters referred to in this affidavit. I have probable cause to believe that on December 24, 2012, David Cutler a Corrections Captain with the Maine Department of Corrections committed the crime of assault at the Maine State Prison located at 807 Cushing Road Warren, Me. The basis of my probable cause is as follows:

- 1) On December 27, 2012 Maine State Prison Inmate Renardo Williams reported to prison staff that he had been assaulted by Captain David Cutler. Williams reported the assault took place in the office of Sergeant John Howlett located in the activities building of the prison grounds. Williams reported that the assault took place on December 24, 2012 at approximately 9 AM. Williams reported to staff that while handcuffed behind his back he was assaulted by Cutler. Williams reported he was brought to the office by Cutler and Corporal Reynolds because according to them he was creating a disturbance in the gym during a holiday get together. Williams stated when he arrived in the office he was ordered by Cutler in a loud and aggressive manner to sit down. Williams declined to sit, citing the fact that it was his free will to sit or stand and he chose to stand. Williams reported that he didn't want to sit because he was nervous and didn't know what they had planned for him.

Williams stated Cutler again ordered him to sit down, but he again declined to sit to which Cutler responded " You ain't going to sit? Then I'll make you sit down!" Williams reported Cutler then reached down behind his knee's using both of his hands and pulled Williams legs out from under him causing him to fall to the floor. Williams was injured as a result of the fall. Williams at the time was still handcuffed behind his back.

This incident was witnessed by Sergeant Howlett who was seated at his desk typing reports. I interviewed Howlett on January 4, 2013 and he informed me he witnessed the assault on Williams by Cutler. Howlett stated he was in his office on the morning of December 24, 2012 completing reports when Cutler and Reynolds brought Williams into his office handcuffed behind his back. Howlett stated Cutler told Williams to sit down, but Williams responded with something to the effect of " I'd rather not I feel more comfortable standing." I asked Howlet if Williams

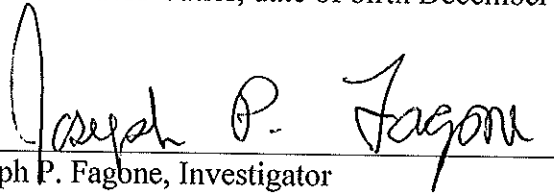
was being aggressive and he stated "No, he was just standing there between Reynolds and Cutler."

Howlett stated Cutler then raised his voice stating "You'll do what I tell you when I tell you!" Howlett stated as Cutler made the aforementioned statement he reached down and grabbed Williams in the area of his knees and pulled his feet out from under him causing him to fall to the floor. Howlett stated Cutler then stated "You'll do what I say when I say it!" Howlett stated Cutler's voice was very elevated at the time and he was basically in Williams face.

Howlett stated he couldn't believe what Cutler had just done to Williams stating "I couldn't believe it. I've seen people flinch or do something and have to be restrained. There was none of this. I asked Howlett if Williams made an aggressive move toward Cutler or any of the officers present and he stated he saw no aggressive or threatening moves on the part of Williams at all.

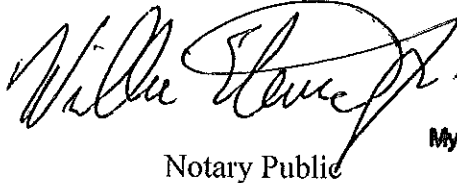
On January 4, 2013 I met with Sergeant Howlett and Prisoner Williams at the Maine State Prison and confirmed the information provided in this affidavit during separate interviews with each of them.

I request a warrant of arrest for David Cutler, date of birth December 13, 1958 charging assault.



Joseph P. Fagone, Investigator
Maine Department of Corrections
675 Westbrook Street
South Portland, Maine 04106

Subscribed and sworn to before me on this 15th day
of February, 2013.



Notary Public

WILLIE M. STEWART, JR.
Notary Public • State Of Maine
My Commission Expires October 16, 2019