

SPOTLIGHT



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'BAD FAITH' FROM DA'S OFFICE
Maine judge's ruling comes as prosecutors buckle under high caseloads

Recent examples show how cases can languish or prompt sanctions when prosecutors fail to turn over discovery.

By JOSH KEEFE
The Maine Times

In September, a Somerset County judge took the unusual step of ruling that the office of District Attorney Maeghan Maloney engaged in "bad faith" when it failed to hand over evidence to a defendant in a drug case.

The case had been pending for more than a year against Derek Sicard, 33, of Ludlow, Massachusetts. But Sicard had yet to receive all the evidence — called discovery — that he and his attorney needed to prepare his defense. Judge Erika Bristol wrote in a Sept. 12 ruling.

"At hearing, the State had no update as to what was in its possession, what had been requested or provided, and what had not been requested or provided," she wrote. "The Court, therefore, has no alternative than to find bad faith on the part of the State."

The ruling was a rare rebuke for something that Maine criminal defense attorneys have long argued happens too often: prosecutors failing to turn over all the evidence to which a defendant is entitled or not doing so in a timely manner.

The ruling also comes as prosecutors say their offices are understaffed and overwhelmed by increasingly complex cases, driven by a surge in drug cases.

By DREW JOHNSON
Staff Writer

It's likely to be your average Maine winter.

Forecasters by the National Weather Service call for routine winter temperatures, not too much hotter or colder than Mainers have come to expect between December and March.

Precipitation is also expected to be near average.

Joe Fourrier clears his family's driveway in Saco during a Feb. 16 storm. The National Weather Service is forecasting average temperatures and slightly below average precipitation this season. (SHAWN PATRICK OUELLETTE/STAFF PHOTOGRAPHER)

Maine forecasters anticipate RUN OF THE MILL WINTER

States," Palmer said. It essentially alters the path of the jet stream, he said. However, whether it's the El Niño or the La Niña, the impact on the Northeast is minimal, Palmer said. While it can give forecasters a small hint in this corner of the country, the trends aren't as sturdy as they are in other regions. Score one for New England.

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