



Superior Court Justice Patrick Larson
 Penobscot Judicial Center
 78 Exchange St.
 Bangor, Maine 04401

July 28, 2023

Dear Justice Larson,

I am writing to ask that the affidavit in the State v Gerald Merrill case be unimpounded since he was arraigned on Wednesday. Arraignment dates are traditionally when affidavits are made public.

The basis for this request is the ruling dated May 31, 2013, in State v Kyle Dube on a defense motion to keep the affidavit sealed until trial. Justification was found in keeping the affidavit impounded until the case could be presented to a grand jury but not until trial.


That motion was denied, in part, on First Amendment grounds.

"... the extended time period that exists in a murder trial between the indictment and the trial militates against impounding the affidavit," the motion said. "The period of time could last for a year or more, which is highly relevant to the requirement that the Court narrowly tailor its actions. Impoundment for a one-year period, under circumstances where the criminal rules already provide sufficient safeguards against juror prejudice, would unduly infringe upon the public's right of access. The motion to impound must therefore be denied on First Amendment grounds."

There is no legal reason for the affidavit in this case to remain sealed after the arraignment has occurred. Further, Mr. Merrill is an official operating in the public trust, and the public has a right to know the accusations against Mr. Merrill.

I respectfully request that Mr. Merrill's affidavit be unimpounded because to continue to keep it from public view is a violation of the First Amendment.

Sincerely,


 Lindsay Putnam
 BDN Editor

7/28/2023

*No pending motion before the
 Court. No further action*

