

STATE OF MAINE
CUMBERLAND COUNTY, ss

SUPERIOR COURT
PORTLAND
CR 16-7494
CR 16-7452

STATE OF MAINE

v

CR 16-7494

SAMUEL ISERBYT
Defendant

STATE OF MAINE

v

CR 16-7452

FRED DODGE
Defendant

MOTION TO RELEASE IMPOUNDMENT OF COURT FILES

NOW COMES _____, and represents as follows:

1. The above matters were dismissed with prejudice on or about April 20, 2017, shortly after I published an article with Charlotte Iserbyt about the unprosecuted attempted murder of Sam Iserbyt by Fred Dodge. To my surprise I find both these matters now impounded days before being set for trial. I am informed that this was done pursuant to a Motion of the Attorney General and/or Cumberland County District Attorney to which neither Sam Iserbyt nor his counsel agreed. The dismissal with prejudice, although it does not state so, was based on a corresponding and reciprocal dismissals of charges of Terrorizing by the State of Maine against Iserbyt and against Dodge, only Iserbyt the victim of Dodge, who nearly died after having been caused to be shot or after having been shot in the femoral Artery and left to die, never agreed to the dismissal. Iserbyt had filed Notice of Claim against the District Attorney of Cumberland County for failure to fulfil her duties to prosecute Dodge in fact, who then proceeded to get indictments against both Dodge and Iserbyt under circumstances which there is substantial reason to believe reflected corruption of office by both the District Attorney of Cumberland County and the Attorney General Janet Mills, now a candidate for Governor.
2. Both I and the public without any notice have now been denied access by the Clerk of Cumberland County Superior Court to the Court files on each of the cases by the present Impoundment order. These orders are extremely unusual in my experience as a member of the Press.

3. The above prosecutions which have been widely publicized before impounded dismissals were neither confidential or private. I am informed Samuel Iserbyt also seeks removal of any sealing or impoundment.
4. The Dismissals according to the Clerk, on information, were done pursuant to the State's request based on the Criminal History Information Act. No Judge authorized the impoundment on information but this was simply done by the Clerk of Court. Records are so secret that even this is not clear.
5. 15 M.R.S. § 457(2).§457. Open pretrial criminal proceeding provides that pretrial criminal proceedings are open and Except as provided by statute, the general public may not be excluded from a pretrial criminal proceeding at which the court hears a motion to exclude evidence from trial, unless the court finds a substantial likelihood that Injury or damage to the accused's right to a fair trial will result from conducting the proceeding in public, Closure will protect against the perceived injury or damage, etc. It is believed these provisions do not apply and if they do, they are trumped by the First Amendment.
6. This request is filed pursuant to State of Maine Supreme Judicial Court Administrative Order, Public Information and Confidentiality JB-05-20 (A. 1-15), the First and Fourteenth Amendments to the United States Constitution. The public enjoys a presumptive right of access to criminal trials. Without this, the public cannot act as an effective check on the system. *See Generally Public Access to Judicial Proceedings and Records in Maine: Worth Protecting*, Sigmund D. Schutz, Maine Bar Journal, Fall 2012, 199. In this case the public suffers particularized injury. The public has a right to know why the attacker of Sam Iserbyt and his attempted murder was protected and continues to receive protection by the Office of the District Attorney of Cumberland County, and the Attorney General of the State of Maine.

WHEREFORE, petitioner demands immediate release from sealing and/or impoundment of the above captioned proceedings, his costs and attorney fees should counsel need to be retained to release these documents of public interest.

Date:

Respectfully,