

STATE OF MAINE
ANDROSCOGGIN, ss.

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. ANDCD-CR-15-189

STATE OF MAINE

RECEIVED & FILED

v.

JUL 23 2015

ORDER

DAVID A. BROWN

ANDROSCOGGIN
SUPERIOR COURT

On July 9, 2015, after receiving information from the District Attorney for Prosecutorial District No. 3 that an error had been made in regard to his reporting of the results of an indictment against David A. Brown, the Court reviewed the Report of the Grand Jury and the votes in support of the proposed charges against David A. Brown. The Court questioned the District Attorney Robinson and foreperson of the Grand Jury on the record as to the accuracy of the reports reviewed. The Court determined that only Count 4 of the District Attorney's proposed indictment had the necessary votes to support the charge of Reckless Conduct, Class D. Counts 1, 2 and 3 of the proposed indictment should have been reported as "no billed." On July 13, 2015, the Court ordered that the record and proposed indictment in this matter be impounded pending further Order of this Court.

That same day, the Court received correspondence on behalf of the *Portland Press Herald/Maine Sunday Telegram*, requesting urgent relief from the Court's July 13, 2105 Order. The *Portland Press Herald/Maine Sunday Telegram* seeks release of the "incorrect or erroneous indictment and a transcript of the on-the-record proceedings referenced in the Court's Order of July 13, 2015." The Court also received correspondence from District Attorney Robinson advising that because his office had previously released a copy of the "inaccurate indictment" to the *Sun Journal*, he supports the request to provide a copy of the incorrect indictment to the *Portland Press Herald/Maine Sunday Telegram*.

The Court agrees that given the unique circumstances of the grand jury process in this case; the amount of information already available to the public; and, the return of a correct single count indictment charging David A. Brown

with Reckless Conduct, Class D, the Order impounding the proposed indictment shall be lifted.

The Court shall conduct an *in camera* review of the July 9 hearing transcript to insure there is no intrusion into the general rule of secrecy of the grand jury proceedings provided by Rule 6 of the Maine Rules of Criminal Procedure. If necessary, the Court will redact those portions of the transcript prior to lifting the Order impounding the record.

Wherefore, by further Order of the Court:

The proposed indictment in this matter is may be released to the public.

A transcript of the July 9 hearing shall be prepared for the Court's *in camera* review. Subsequent to the Court's review, and any necessary redaction, the transcript may be released to the public.

Dated: July 22, 2015


Mary Gay Kennedy
Justice, Superior Court

A True Copy

Linda S. Mason

Attest

STATE OF MAINE
ANDROSCOGGIN, ss

UNIFIED CRIMINAL DOCKET COURT
LOCATION: LEWISTON
DOCKET NO:

STATE OF MAINE

INDICTMENT

v.

DAVID A BROWN

DOB:2/26/1960

13 Forest Hill Rd

South Paris, ME 04281

G: Male Ht: 6' 00" Wt: 205 H: Red

E: Blue R: White

COUNT 1: MANSLAUGHTER

COUNT 2: AGGRAVATED ASSAULT

COUNT 3: DRIVING TO ENDANGER

COUNT 4: RECKLESS CONDUCT

THE GRAND JURY CHARGES:

COUNT 1:

17-A M.R.S.A. §203(1)(A)

Seq No: 4248

MANSLAUGHTER

CLASS A

ATNCTN 135246B001

On or about October 11, 2014, in Mechanic Falls, Androscoggin County, Maine, **DAVID A BROWN**, did recklessly, or with criminal negligence, cause the death of another human being, Cassidy Charette.

COUNT 2:

17-A M.R.S.A. §208(1)(A)

Seq No: 629

AGGRAVATED ASSAULT

CLASS B

ATNCTN 135246B002

On or about October 11, 2014, in Mechanic Falls, Androscoggin County, Maine, **DAVID A BROWN**, did intentionally, knowingly, or recklessly cause serious bodily injury to Connor Garland and/or Sabrina Cunningham and/or Kayla Lord and/or Emily Anderson and/or Penny Smith and/or Peter Anderson and/or Tia Sprague and/or Josh White and/or Owen Smith.

COUNT 3:

29-A M.R.S.A. §2413(1-A)
Seq No: 11122
DRIVING TO ENDANGER
CLASS C
ATNCTN 135246B003

On or about October 11, 2014, in Mechanic Falls, Androscoggin County, Maine, **DAVID A BROWN**, did with criminal negligence, drive a motor vehicle in any place in a manner that endangered the property of another or a person, including the operator or passenger in the motor vehicle being driven and caused serious bodily injury to Connor Garland and/or Sabrina Cunningham and/or Kayla Lord and/or Emily Anderson and/or Penny Smith and/or Peter Anderson and/or Tia Sprague and/or Josh White and/or Owen Smith.

COUNT 4:

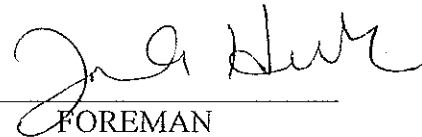
17-A M.R.S.A. §211(1)
Seq No: 636
RECKLESS CONDUCT
CLASS D
ATNCTN 135246B004

On or about October 11, 2014, in Mechanic Falls, Androscoggin County, Maine, **DAVID A BROWN**, did recklessly create a substantial risk of serious bodily injury to Cody Smith and/or Tia Sprague and/or Serena Wheeler and/or Josh White and/or Thomas Desjardins and/or Emily Anderson and/or Owen Smith and/or Penny Smith and/or Peter Anderson and/or Kaitlyn Langervin and/or Ryan Erskine and/or Sabrina Cunningham and/or Juliet Meas and/or Vivian Meas and/or Kayla Lord and/or Connor Garland and/or Emily Hogan and/or Mikhaila Necevski and/or Paige Warren and/or Harley Wheeler and/or Kayla Giberson and/or Fern Calkins.

DATED: _____

7/8/15

A TRUE BILL



FOREMAN

OFFICER: Daniel Young
DEPT: Fire Marshall's Office
JW#: 15-3840