

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Cum-15-345

IN RE EDWIN R. JONAS III

**FINAL ORDER ON MOTION FOR
RECONSIDERATION**

Edwin R. Jonas has moved for reconsideration of our opinion issued in the above-captioned matter. *See In re Jonas*, 2017 ME 48. He primarily asked us to reconsider our holding that the Maine Rules of Evidence did not apply. By order dated April 14, 2017, we declined to alter our holding, and we have previously denied Jonas's motion for reconsideration on that ground.

In the alternative, however, Jonas has argued that the matter should be remanded for the single justice to consider the evidence that, although presented to the single justice, was excluded based on the application of the Maine Rules of Evidence. We sought and received a response from the Board, which objected to the motion for reconsideration and argued that if any remand is ordered, it should be limited to allowing the single justice to consider evidence from Secretary of the Interior Ryan Zinke, who was allegedly unable to appear in person or by phone.

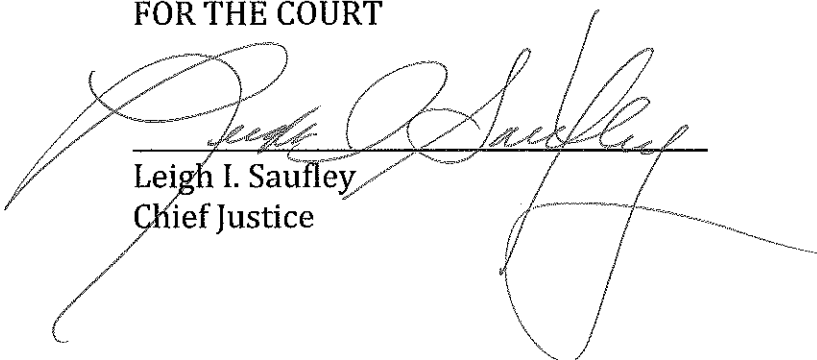
Having considered the arguments of Jonas and the Board, we are persuaded that we must amend our opinion to authorize a limited remand for the single justice to consider whether to admit, as evidence upon which reasonable people would rely, (1) specific evidence that Jonas offered and the justice excluded based on the Rules of Evidence and that was not otherwise admitted at trial, and (2) at the discretion of the single justice, evidence of events or decisions that occurred after the close of evidence in the original trial before the single justice.

After determining whether any previously excluded—or new—evidence should be admitted, the single justice must decide whether any newly admitted materials or recent developments alter any aspect of her decision.

It is therefore ORDERED that Jonas's motion for reconsideration of our opinion affirming the single justice's decision is GRANTED in part. We withdraw our previous opinion and issue an amended opinion of this date.

Dated: June 6, 2017

FOR THE COURT



Leigh I. Saufley
Chief Justice