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June 16, 2025

Matthew Pollack, Esq.
Clerk of the Law Court
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, ME 04101

Re: *Andrew Robbins, et al. v. State of Maine, et al.*, Law Docket No. Ken-25-137;
Update regarding Superior Court schedule and requested date of action on
pending Emergency Motion.

Dear Matt,

I write to update your office and the Law Court regarding the State of Maine's Emergency Motion to Stay All Action in the Superior Court Related to Count III ("Emergency Motion") in the above-referenced appeal.

In its Emergency Motion, the State of Maine requested that the Law Court act by June 23, 2025. That date was selected because at the time of the Emergency Motion's filing, the Superior Court had set a hearing for June 24, 2025 in Bangor, where it would potentially issue writs of habeas corpus to individuals charged with crimes in Penobscot County. The list of individuals subject to the June 24, 2025 hearing was based upon information provided to the Superior Court on June 9, 2025, in accordance with a previous order of that Court.

During a conference of counsel held on June 13, 2025, it was confirmed that all individuals on the June 9, 2025 list had been provided a criminal defense attorney, and the Superior Court canceled the habeas hearings set for June 24 in Bangor. See enclosed June 13, 2025 Order of Court. For similar reasons, it likewise canceled hearings set for July 1 in Auburn regarding individuals charged with crimes in Androscoggin County. *Id.*

In place of the canceled June 24 habeas hearing, the Superior Court has scheduled "an in-person hearing with counsel of record." *Id.* Its purpose is "to establish a process for future habeas proceedings, depending on the need for such hearings."

Because there are no habeas proceedings currently scheduled before the Superior Court, the State of Maine no longer believes that it is essential to receive a decision on its

pending Emergency Motion by June 23, 2025. However, the State of Maine does not wish to withdraw its Emergency Motion and continues to seek the ultimate relief requested in it.

Rather than seeking action by a specific date, the State of Maine now asks that the Emergency Motion and its requested relief be considered and decided by the Law Court on a timeline that the Court feels is appropriate, given these scheduling updates. In case the Law Court believes that the forthcoming June 24, 2025 "Hearing Regarding Habeas Protocol" remains relevant to when it acts upon the pending Emergency Motion, I am enclosing with this letter an "Order of Court" and "Notice of Hearing," that counsel for parties received via email on June 13 and June 14, respectively.

If the Superior Court schedules new habeas hearings such that the State of Maine believes emergency action is required before a specific date, I will update you immediately. Additionally, if other events are scheduled in the Superior Court before this Court acts upon the pending Emergency Motion, I will be sure to provide the scheduling information for those events in case the Court believes any such events are relevant to when it decides the pending Emergency Motion.

In addition to those cc'd on this letter as parties to the appeal in this Court, I will also provide courtesy copies to the Superior Court and the working electronic service list of all trial counsel utilized by that Court. Please do not hesitate to reach out if you have any questions or if I can be of any further assistance regarding this update.

Very truly yours,

Paul E. Sutter

Paul E. Sutter

Assistant Attorney General

Counsel for the State of Maine

Enclosures

cc: Zachary Heiden & Carol Garvan, ACLU of Maine
Sean Magenis, Assistant Attorney General
Scott Boak and Valerie Wright, Assistant Attorneys General
Alexandra Harriman, PretiFlaherty
Peter Marchesi, Wheeler & Arey
Erica Johanson, Jensen Baird
Tyler Smith, Libby, O'Brien, Kingsley & Champion
John Hamer, Rudman Winchell

MAINE JUDICIAL BRANCH

☒ Andrew Robbins, et al. Plaintiff

V.

State of Maine, et al. Defendant

Other Party

☒ Superior Court ☐ District Court

☐ Unified Criminal Docket

County: Kennebec

Location (Town): Augusta

Docket No.: AUGSC-CV-22-054

OR

☐ IN RE: _____

ORDER OF COURT

The Court finds as follows:

The Court conferred telephonically with counsel of record on June 13, 2025. The parties agreed that all incarcerated defendants listed on the June 9th, 2025 List with cases in Androscoggin and Penobscot Counties who were presumptively eligible for a habeas hearing have now been appointed counsel.

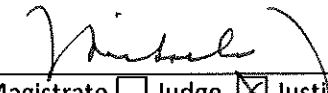
The parties therefore agree, and the Court now orders that there is no longer a need for habeas hearings to occur in Penobscot County on June 24th and in Androscoggin County on July 1st.

The Court will conduct an in-person hearing with counsel of record, including counsel for Respondent County Sheriffs, on June 24th at the Capital Judicial Center at 9:00 a.m. If necessary, counsel may appear by Zoom. Notice to follow. The purpose of the hearing will be to establish a process for future habeas proceedings, depending on the need for such hearings. The Court intends to institute a protocol for these proceedings that will be fair to the parties in this case and also provide some predictability for clerks' offices, sheriffs, and transport officers.

The Court hopes that habeas proceedings will not be needed given the ongoing efforts of MCPDS and the ability of Maine jurists to appoint counsel pursuant to 4 M.R.S. § 1807.

This order may be entered on the docket by reference pursuant to M.R. Civ. P. 79.

Date (mm/dd/yyyy): 6/13/25

► 
☐ Magistrate ☐ Judge ☒ Justice

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MAINE JUDICIAL BRANCH

Andrew Robbins, et al. Plaintiff/Petitioner

☒ Superior Court ☐ District Court
County: Kennebec

V.
State of Maine, et al. Defendant/Respondent

Location (Town): Augusta
Docket No.: AUGSC-CV-2022-54

NOTICE OF HEARING ON REGISTERED ORDER

14 M.R.S. § 8004; 19-A M.R.S. §§ 1765, 3202

The non-registering party in this matter has requested a hearing to challenge the validity or enforcement of the Order registered in the above named court located at:

Capital Judicial Center
1 Court Street
Augusta, Maine 04330

The court has scheduled ☐ case management conference ☐ hearing ☒ other Habeas Protocol
on (mm/dd/yyyy) June 24, 2025 at 9:00 ☒ a.m. ☐ p.m.

You are required to attend the hearing.

Courtroom #4

PLEASE NOTE: If you fail to appear, you will have given up your right to object to the validity or enforcement of the registered Order, including any alleged arrearages, and the registered Order will be confirmed by operation of law. If the registering party fails to appear at the hearing, the court will dismiss this matter, and such dismissal may be with or without prejudice.

Date (mm/dd/yyyy): June 13, 2025

► Tamara M. Rueda
Clerk

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MAINE JUDICIAL BRANCH

Andrew Robbins, et al.

Plaintiff

☒ Superior Court ☐ District Court

County: Kennebec

V.

State of Maine, et al

Defendant

Location (Town): Augusta

Docket No.: AUG-CV-2022-54

Corrected

NOTICE OF HEARING

This is to notify you that the above matter has been scheduled for hearing regarding Habeas Protocol
on (mm/dd/yyyy) June 24, 2025 CR#4 at 9:00 ☒ am ☐ pm at the above named court
located at:

Please disregard prior notice "Notice of Hearing on Registered Order"
Capital Judicial Center
1 Court Street
Augusta, Maine 04330

If you wish to be heard, you must appear, in person or by counsel.

Date (mm/dd/yyyy): June 14, 2025



Tamara M. Rueda

Clerk

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