

SHAWN ASSELIN

v.

SUPERIOR COURT

Submitted on Briefs December 1, 2014

Decided January 22, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and  
HJELM, JJ.

MEMORANDUM OF DECISION

Shawn Asselin appeals from a judgment of the Superior Court (York County, *Fritzsche, J.*) denying his requests pursuant to the Freedom of Access Act (FOAA), 1 M.R.S. §§ 400-414 (2014), for court records pertaining to *State v. Strong* (ALFSC-CR-2012-02049) and *State v. Wright* (ALFSC-CR-2012-02050). The parties' agreement on appeal that FOAA does not apply to the Superior Court renders the issue of Asselin's right to receive court records pursuant to FOAA moot and not justiciable. See *Lewiston Daily Sun v. Sch. Admin. Dist. No. 43*, 1999 ME 143, ¶ 13, 738 A.2d 1239. Even if this case were justiciable, the Superior Court correctly concluded that FOAA does not apply to the Judicial Branch. See 4 M.R.S. § 7 (2014) (vesting this Court with control over court records); *State v. Ireland*, 109 Me. 158, 159-60, 83 A. 453, 454 (1912) (“[T]here must be and is an inherent power in the court to preserve and protect its own records.”).

The entry is:

Judgment affirmed.

**On the briefs:**

Shawn Asselin, appellant pro se, adopted the brief of amicus curiae Maine Freedom of Information Coalition as his brief

Sigmund D. Schutz, Esq., and Jonathan G. Mermin, Esq., Preti Flaherty Beliveau & Pachios, LLP, Portland, for amicus curiae Maine Freedom of Information Coalition

Janet T. Mills, Attorney General, and Kimberly L. Patwardhan, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Maine Superior Court