

STATE OF MAINE

v.

LEIGH

Submitted on Briefs December 13, 2005
Decided December 20, 2005

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Leigh, formerly known as Leigh MacKeen, appeals from an order entered in the Superior Court (Washington County, *Hunter, J.*) granting the State's motion to quash a subpoena that Leigh had served on the District Attorney. *See* M.R. Crim. P. 17(c). Leigh is awaiting trial on a charge of criminal trespass (Class E), 17-A M.R.S.A. § 402(1)(D) (Supp. 2005). Contrary to Leigh's contentions, the court did not abuse its discretion in (1) implicitly finding that the motion to quash was timely; (2) failing to hold an evidentiary hearing on the motion to quash; and (3) finding Leigh's request unreasonable. *See State v. Watson*, 1999 ME 41, ¶ 5, 726 A.2d 214, 216 (holding that the decision to quash a subpoena is within the

discretion of the court). Furthermore, the court did not err in finding that the requested documents were not in the possession of the District Attorney.

The entry is:

Order quashing subpoena affirmed.

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