

Wednesday, March 24, 2021

I find it abundantly careless of the BDN to write an article on Mr. Worster being so-called 'Giglio impaired', when the BDN has no access to that particular information and is simply going off of the fact that a motion for a protective order was filed in a 2018 OUI matter out of Lincoln County, stating that there was possible Giglio information being disclosed to the defense. What does that even mean? I don't know and my client doesn't know. In fact, the BDN doesn't know!

What is important to note is that the defendant in that case ultimately pled guilty to a Class D OUI and was sentenced to 364 days in jail, albeit with all but 7 days suspended and 1 year of probation. The sentence that the defendant received was the maximum period of incarceration that she could have received based on that level of charge. The minimum time she could have received would have been 7 days in jail, based on the fact that she had one prior OUI within a ten year period, according to 29-A M.R.S.A. §2411(5)(B)(2). I find it perplexing to think that the defendant would have pled guilty to the OUI and received the absolute maximum period of incarceration she could have received, with all but 7 days suspended and then a year of probation, if this so-called Giglio information was so damning to Mr. Worster! Giglio information on an officer is intended to be used as a means to impeach the credibility of an officer in order to get a client a better result or to otherwise impeach an officer at trial.

There was no trial in this defendant's matter and she received the maximum sentence possible. Also, after Mr. Worster left the Wiscasset Police Department (the defendant's case was based on a Wiscasset P.D. arrest), he then worked for the Damariscotta Police Department, which is also located in Lincoln County. If Mr. Worster was actually Giglio impaired how could he have continued to work as a law enforcement officer in the same prosecutorial district, as the prosecution would not be able to prosecute that officer's cases? It just doesn't make sense. It would seem to me that a truly Giglio impaired officer likely wouldn't be able to work in law enforcement, at least not in that prosecutorial district where he was Giglio impaired! Further, if this information was actually Giglio information, it would have to be produced in every other case that involved Mr. Worster and there is absolutely no indication that is the case.

A prosecutor is required to provide any possible impeachment material on an officer involved in a particular case to that defendant – and one prosecutor might think something is impeachment material while another might not – it can be subjective. Obviously here, that Giglio information was not at all helpful, again, as the defendant received the maximum sentence she could have gotten on a Class D charge. One would think that if there was damning information on Mr. Worster, that the defendant would have been able to at least negotiate a lesser sentence, a reduced charge, or the like. That did not happen. What does appear to be happening now, though, is that the BDN is attempting to smear Mr. Worster, publicly, without having the actual facts, as the BDN does not know what this Giglio information even is. This is clearly a willfully inaccurate conclusion on the part of the BDN.