

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Andrew Brian Benson

2. **Position**: State the position for which you have been nominated.

United States Attorney for the District of Maine, U.S. Department of Justice

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Skowhegan District Court
Maine Judicial Branch
47 Court St., Skowhegan, ME 04976

4. **Birthplace**: State date and place of birth.

1961; Norway, ME

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

University of Maine School of Law, 1983 – 1988
J.D. – June 1988

University of Maine at Orono, 1979 – 1983
B.A. – May 1983

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

May 2014 – Present
District Court Judge
Maine Judicial Branch

1 Court St., Suite 301
Augusta, ME 04330
Paid

October 1999 – May 2014
Senior Homicide Attorney
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333
Paid

July 1996 – October 1999
Supervising Assistant District Attorney
District Attorney's Office, Region IV
1 Court St., Suite 101
Augusta, ME 04330
Paid

April 1994 – July 1996
Associate Attorney
Law Offices of Rebecca Cayford
305 Water St.
Skowhegan, ME 04976
Paid

September 1989 – April 1994
Assistant District Attorney
District Attorney's Office, Region IV
1 Court St., Suite 101
Augusta, ME 04330
Paid

September 1988 – September 1989
Associate
Shiro and Shiro
86 Silver St.
Waterville, ME 04901
Paid

August 1979– September 1988
Laborer
Benson Logging
65 Poland Corner Rd.
Poland, ME 04230

August 1975 – August 1979

Museum Custodian
Bethel Historical Society
10 Broad St., Bethel, ME 04217

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Roger B. Hill Scholar in Foreign Language and Classics, University of Maine at Orono, 1982 – 1983

Phi Beta Kappa, Phi Kappa Phi, and Delta Phi Alpha Honor Societies, 1983 – Present

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Because of my judicial position, I am a member of no bar associations. Before I became a judge, I was a member of the Maine Prosecutor's Association.

Voting Member of the Committee on Judicial Conduct, 2022 – Present

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Maine, September 1988

U.S. District Court for the District of Maine, September 1988

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. District Court for the District of Maine, September 1988

All state courts in the State of Maine, September 1988

There have been no lapses in membership

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society for Law and Public Policy Studies, October 2017 – Present

Thomas More Society, November 2024 – Present

Equestrian Order of the Holy Sepulchre, November 2018 – Present

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of those contributions. I have not listed above any organizations to which I have given funds but did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, I have not been able to identify any materials.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located nothing.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located nothing.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain my handwritten outlines. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located nothing.

From time to time, I have been asked to serve as a guest lecturer at the Maine Criminal Justice Academy, the warden school, and the forest ranger school. These lectures were always on issues related to Maine and United States Criminal Procedure. They were not recorded, and I no longer have my notes connected to any of these lectures.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where

they are available to you.

When I was a prosecutor, after a trial, I frequently spoke briefly to the press about the outcome of that trial. I would not consider them formal interviews and I have neither a transcript nor a clip connected to such brief interactions. It is also possible that I may have been interviewed for one or more “true crime” shows.

I have done my best to identify all interviews given, including a thorough review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following:

Associated Press, “He can’t give me a motive.” Comments reported by Joel Page of the Associated Press regarding the murder case of State of Maine vs. Christian Nielsen, October 9, 2007. Copy supplied.

Lewiston Sun Journal, “64 year old inmate convicted of murdering ex-wife dies at Maine State Prison.” Comments reported by Amber Clark regarding the murder case of State of Maine vs. Greg Warmke, October 15, 2023. Copy supplied.

Lewiston Sun Journal web page, “A troubled childhood.” Comments reported by Scott Thistle regarding the murder case of State of Maine vs. Christian Nielsen, September 16, 2006. Copy supplied.

Portland Press Herald, “Attorney seeking to seal affidavits in Maine child’s death,” Comments reported by Eric Russell regarding the murder case of State of Maine vs. Leanna Norris, July 9, 2013. Copy supplied.

Lewiston Sun Journal web page, “Bingham man faces prison for killing man in bar fight.” Comments reported by unidentified reporter regarding the murder/manslaughter case of State of Maine vs. Dusty Pinkham, July 7, 2006. Copy supplied.

WCVB Boston web page, “Maine car fire deaths now being called homicide” Comments reported by unknown reporter regarding a 2012 Bangor, Maine murder investigation, August 16, 2012. Copy supplied.

Central Maine Morning Sentinel, “Convicted Maine killer gets new lawyer for review,” Comments reported by Doug Harlow regarding the post-conviction review case in Mercier vs State, August 28, 2016. Copy supplied.

Franklin Bulldog, “Cook sentenced for manslaughter,” Comments reported by Bobbie Hanstein regarding the manslaughter prosecution of State of Maine vs. David Cook, August 27, 2009. Copy supplied.

Central Maine Morning Sentinel, “DNA evidence debated at opening of Mercier

murder trial,” Comments reported by Doug Harlow regarding the murder trial of State of Maine vs. Jay Mercier, September 20, 2012. Copy supplied.

Lewiston Sun Journal, “Evaluation approved for murder suspect,” Comments reported by M. Dirk Langeveld regarding the murder case of State of Maine vs. Richard Moulton, February 3, 2010. Copy supplied.

Central Maine Newspapers web page, “Farmington shooting indictment discussed,” Comments reported by David Robinson regarding the murder case of State of Maine vs. Ryan Ouimet, August 20, 2011. Copy supplied.

Central Maine Morning Sentinel, “Graphic photos introduced in Mercier murder trial,” Comments reported by Doug Harlow regarding the murder trial of State of Maine vs. Jay Mercier, September 19, 2012. Copy supplied.

Bangor Daily News, “Judge continues hearing despite plea,” Comments reported by Judy Harrison regarding the manslaughter case of State of Maine vs. David Coon, January 3, 2014. Copy supplied.

Central Maine Morning Sentinel, “Judge deems Fairfield 11-year-old incompetent to stand trial in baby manslaughter,” Comments reported by Doug Harlow regarding the juvenile manslaughter case of State of Maine vs. Kelli Murphy, June 28, 2013. Copy supplied.

Central Maine Morning Sentinel, “Judge issues no ruling in baby manslaughter case,” Comments reported by Betty Adams regarding the juvenile manslaughter case of State of Maine vs. Kelli Murphy, March 14, 2013. Copy supplied.

Kennebec Journal, “Judge rules teen charged with murder in Litchfield death can be prosecuted as an adult,” Judicial comments reported by Keith Edwards regarding the juvenile bind over hearing in the juvenile matter of State of Maine vs. William Smith, July 19, 2018. Copy supplied.

Central Maine Morning Sentinel, “Judge to determine whether teen charged in girlfriend’s death to be tried as juvenile or adult,” Judicial comments reported by Amy Calder regarding the juvenile bind-over hearing in the juvenile matter of State of Maine vs. Aidan Grant, July 27, 2023. Copy supplied.

Lewiston Sun Journal, “Jury begins deliberations in Maine murder trial,” Comments reported by M. Dirk Langeveld regarding the murder trial of State of Maine vs. Agostino Samson, September 29, 2009. Copy supplied.

Seacoastonline, “Maine cops say charges possible in fatal beating,” Comments reported by a staff writer concerning the death of Ralph Greenleaf, October 27, 2010. Copy supplied.

Central Maine Morning Sentinel, “Maine girl in infant death case not competent for trial,” Comments reported by Doug Harlow regarding the juvenile manslaughter case of State of Maine vs. Kelli Murphy, June 26, 2013. Copy supplied.

WGME web page, “Maine man sentenced for sexual assault, abuse of minor,” Judicial comments reported by Ariana St. Pierre regarding the gross sexual assault case of State of Maine vs. Keith Merchant, August 28, 2024. Copy supplied.

Bangor Daily News, “Maine prosecutors get guilty verdicts without bodies in murder trials,” Comments reported by Jen Lynds regarding Maine cases where defendants had been convicted in the absence of a body, January 6, 2014. Copy supplied.

The Patriot Ledger, “Man gets 35 years for fatal shooting in Maine,” Comments reported by a staff writer regarding the Maine murder case of State of Maine vs. Zachary Carr, December 1, 2011. Copy supplied.

Central Maine Morning Sentinel, “Man convicted of running over Pittsfield police officer’s foot to get new trial,” Judicial comments reported by Jake Freudberg regarding the assault trial of State of Maine vs. Michael Kilgore, August 25, 2025. Copy supplied.

NewsCenter web page, “Missing woman murder trial begins,” Comments reported by NewsCenter staff regarding the murder trial of State of Maine vs. Buddy Robinson, November 6, 2012. Copy supplied.

WMTW NowCast web page, “Mother of slain infant demands more charges,” Comments reported by unidentified reporter regarding the juvenile manslaughter case of State of Maine vs. Kelli Greenleaf, August 31, 2012. Copy supplied.

Lewiston Sun Journal, “Moulton sentenced to 40 years for murders,” Comments reported by Tony Reaves regarding the murder sentencing in State of Maine vs. Richard Moulton, August 23, 2011. Copy supplied.

Foster’s Daily Democrat, “Murder trial gets under way in Bangor,” Comments reported by a staff writer regarding the murder case of State of Maine vs. Peter Tuller, March 24, 2008. Copy supplied.

Unknown source, “Northern Maine man goes on trial in 1998 killing,” Comments reported by unidentified reporter regarding the murder trial of State of Maine vs. George Jaime, November 12, 2013. Copy supplied.

Central Maine Morning Sentinel, “Pittston man convicted of stalking county sheriff misses sentencing,” Judicial comments reported by Jake Freudberg regarding the stalking case of State of Maine vs. Nicholas Worthing, June 13, 2025. Copy supplied.

Yahoo News, “Pittston man found guilty of stalking Kennebec County Sheriff,” Judicial comments reported by Jake Freudberg regarding the stalking case of State of Maine vs. Nicholas Worthing, May 7, 2025. Copy supplied.

Central Maine Morning Sentinel, “Prosecutor: Sex proved Mercier killed St. Peter; defense attorney says there is ‘reasonable doubt’,” Comments reported by Doug Harlow regarding the murder trial of State of Maine vs. Jay Mercier, September 27, 2012. Copy supplied.

Central Maine Morning Sentinel, “Skowhegan man gets 15 years for attempted murder, arson,” Judicial comments reported by Jake Freudberg regarding the attempted murder and arson trial of Neil MacLean, July 26, 2024. Copy supplied.

Central Maine Morning Sentinel, “Starks man sentenced to 30 years in prison for sexual assault, abuse of minor,” Judicial comments reported by Jake Freudberg regarding the sentencing in the matter of State v. Keith Merchant, August 27, 2024. Copy supplied.

Kennebec Journal, “Top medical examiner testifies in Waterville shooting case,” Comments reported by Michael Shepherd regarding the murder case of State of Maine vs. Matthew Partridge, July 18, 2013. Copy supplied.

Seacoastonline, “Trial focuses on frame of mind,” Comments reported by the Associated Press regarding the murder trial in State of Maine vs. Greg Warmke, April 8, 2004. Copy supplied.

The Oklahoman, “Trial ordered in four Maine killings,” Comments reported by David Sharp regarding the murder prosecution in State of Maine vs. Christian Nielsen, September 20, 2007. Copy supplied.

Unknown source, “Wayne teen sentenced to 5 years after admitting to murdering his 14-year-old girlfriend,” Judicial comments reported by Dylan Tusinski regarding the juvenile disposition in the matter of State of Maine vs. Aidan Grant, December 18, 2023. Copy supplied.

Lewiston Sun Journal, “Wilton man pleads guilty to manslaughter in baby’s death,” Comments reported by Donna Perry regarding the manslaughter case of State of Maine vs. David Cook, August 22, 2009. Copy supplied.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed

you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

From August 2024 – July 2025, I was a member of the Town of Unity cemetery committee and the Town of Unity planning board.

I have not run for public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I am a member of the Republican party. I have not held a position or played a role in a political campaign.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not clerked for a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

September 1988 – September 1989

Associate

Shiro and Shiro

86 Silver St.

Waterville, ME 04901

September 1989 – April 1994

Assistant District Attorney

District Attorney's Office, Region IV

1 Court St., Suite 101

Augusta, ME 04330

April 1994 – July 1996
Associate Attorney
Law Offices of Rebecca Cayford
305 Water St.
Skowhegan, ME 04976

July 1996 – October 1999
Supervising Assistant District Attorney
District Attorney's Office, Region IV
1 Court St., Suite 101
Augusta, ME 04330

October 1999 – May 2014
Senior Homicide Attorney
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333

May 2014 – Present
District Court Judge
Maine Judicial Branch
1 Court St., Suite 301
Augusta, ME 04330

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbiter other than in judicial settlement conferences in my judicial capacity.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have been a judge of the Maine District Court, a general trial court with statewide jurisdiction since May 2014. I was nominated by then Governor Paul LePage in February 2014 and unanimously confirmed by the Maine Senate in April 2014. In 2021, I was renominated by Governor Janet Mills and again unanimously confirmed by the Maine Senate.

- b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

The character of my practice was largely consistent during the time that I was an active attorney. Most of that time was spent as a prosecutor at levels of increasing seriousness as I progressed. During the brief periods that I was in private practice, I have a varied practice, consisting largely of criminal defense, family law, and general litigation.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In 1988, I became an associate attorney at Shiro and Shiro in Waterville, Maine. My work included criminal defense, family law and general civil litigation. My clients included court appointed criminal defendants, family law litigants and other parties who were involved in civil and criminal litigation.

In 1989, I was appointed an Assistant District Attorney in Prosecutorial District #4 in central Maine. My work then became exclusively criminal prosecution. I tried on average thirty to forty jury trials annually, many of which were prosecutions for operating under the influence. My clients were the people of the State of Maine.

In 1994, I returned to private practice with the Law Office of Rebecca Cayford in Skowhegan, Maine. My work again included criminal defense, family law and general civil litigation. My clients included court appointed criminal defendants, retained criminal defendants, family law litigants and other parties who were involved in civil and criminal litigation.

In 1996, I returned to the District Attorney's Office as the supervisor of the Somerset County Office in Prosecutorial District #4. Once again, my work was exclusively criminal prosecution. Now however, rather than operating under the influence cases, I dealt almost exclusively with serious violent felonies and complex financial crime. I again tried on average thirty to forty jury trials annually. My clients were the people of the State of Maine.

In 1999, I moved to the Maine Attorney General's Office after being appointed one of three senior homicide prosecutors. As a senior homicide prosecutor, I was responsible for prosecuting homicide cases throughout the state. While I tried all varieties of homicides, I focused on cases where the defendant was pursuing either a "not criminally responsible by reason of insanity" defense or other state of mind defenses. I also focused on "cold cases," particularly those where no body had been recovered. During

my nearly fifteen years with the office, I tried or was co-counsel on about 100 homicide jury trials and many other homicide bench trials. My clients were the voters and people of the State of Maine.

In 2014, I was nominated to the Maine District Court, a statewide court of general jurisdiction, by then Governor Paul LePage. The court has a varied jurisdiction, and I preside over protection from abuse matters, family matters, criminal matters including criminal jury trials, child protective matters and many other case types. I have sat as a judge throughout the state but now sit primarily in the District Court in Skowhegan, Maine. I was renominated by Governor Janet Mills in 2021. After each nomination I was unanimously confirmed by the Maine Senate. I continue to serve as a judge of the Maine District Court and am now a senior judge and scheduling judge for my region. My civil experience was somewhat limited before I took the bench, but since taking the bench I have presided over hundreds of civil trials.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Before becoming a judge in 2014 at least 90% of my practice was in litigation. I appeared in the Maine trial courts frequently when I was either an assistant district attorney or an assistant attorney general. During my brief periods of time in private practice such as 1988 – 1989 or 1994 – 1996 I still tried a large number of cases in the trial courts although the number was not as large as when I was an active prosecutor between 1989 – 1994 and between 1996 – 2014.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 0% |
| 2. state courts of record: | 100% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 5% |
| 2. criminal proceedings: | 95% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried somewhere in the vicinity of 250 cases to verdict or final decision during my career. In 95% of those cases I was sole or chief counsel. In about 5% I was co-counsel. I have never been an associate counsel.

- i. What percentage of these trials were:
 - 1. Jury: 90%
 - 2. non-jury: 10%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued orally before the Supreme Court.

15. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. **State of Maine v. Jay Mercier**

Docket #: Som-Cr-13-24
Somerset County Superior Court
The Honorable John Nivison (Now a Federal Magistrate)
2012

I was lead counsel in the prosecution of Jay Mercier in a 32-year-old cold case. While the body of the victim had been discovered bludgeoned to death in 1980, it was not until about thirty years later with the advent of advanced DNA technology that the case was solved and Mercier was prosecuted. After a six-day jury trial Mercier was convicted of intentional or knowing and depraved indifference murder.

Primary Co-Counsel:

Lara Nomani
Assistant Attorney General
703 Winding Hill Rd.

Norridgewock, ME 04957
(207) 399-4411

Opposing Counsel:

John Alsop
1395 Molunkus Rd.
Cornville, ME 04976
(207) 474-4650

The Honorable John Martin
360 Vinal St.
Rockport, ME 04856
(207) 431-3696

2. **State of Maine v. Norma Small**

Docket #: Wal-Cr-02-691
Waldo County Superior Court
(Actually tried at the Sagadahoc County Superior Court)
The Honorable Nancy Mills
2003

I was sole counsel in the prosecution of Norma Small, another cold case. In 1983 she hired a gunman to kill her husband, an enlisted naval serviceman, for his naval insurance. The Maine State Police along with undercover officers from the Naval Criminal Investigative Services obtained incriminating statements from her and an accomplice. After a weeklong jury trial in 2003, Small was convicted of intentional or knowing murder as an accomplice. Of particular interest in the case was the fact that the State convincingly argued that statements against interest of a co-defendant should be admitted under a hearsay exception, even where they inculcated Small.

Opposing Counsel:

Peter Mason
Main St
PO Box 286
Searsport, ME
(207) 548-2589

3. **State of Maine v. John Okie**

Docket #: Ken-Cr-09-131
Kennebec County Superior Court
The Honorable Joseph Jabar (Retired)

2008

I was co-counsel in the prosecution of John Okie in 2008. Okie had stabbed his girlfriend to death, and when his father confronted him about the killing, he killed his father with a knife as well. He interposed an insanity defense. My co-counsel, Assistant Attorney General Lisa Marchese handled the guilt or innocence part of the case while I handled the insanity defense part of the case. After an eight-day trial Okie was found guilty of both murders and found criminally responsible. The insanity part of the case had particular challenges because the defendant had a legitimate mental illness involving psychosis, but the State argued, (and prevailed) that Okie could still appreciate the wrongfulness of his conduct.

Primary Co-Counsel:

Assistant Attorney General Lisa Marchese (Retired)
13 Stirling Way
Cumberland Ctr, ME 04021
(207) 831-9145

Opposing Counsel:

Peter DeTroy
Portland, ME
Deceased

4. **State of Maine v. Sally Schofield**

Docket #: Ken-Cr-05-622
Kennebec County Superior Court
The Honorable Thomas Delehanty (Deceased)
2005

I was co-counsel in the prosecution of Sally Schofield for murder. While a foster parent for a child in Department of Health and Human Services Custody, she wrapped the child in over forty feet of duct tape, ultimately causing her death. After a bench trial, she was convicted of manslaughter and sentenced to 17 years in the Maine Department of Corrections. The case presented extensive technical evidentiary issues because the duct tape had to be reconstructed.

Primary Co-Counsel:

The Honorable William Stokes (formerly Deputy Attorney General)

21 Fairview Ave
Augusta, ME 04330
(207) 441-0014

Opposing Counsel:

Jed Davis
86 Winthrop St. Suite 1
Augusta, ME 04330
(888) 335-1657

5. **State of Maine v. Buddy Robinson**

Docket #: And-Cr-13-519
Androscoggin County Superior Court
The Honorable MaryGay Kennedy
2012

I was sole counsel in the prosecution of Buddy Robinson for the bludgeoning death of Christiana Fesmire. Although Fesmire's body was never recovered, after a weeklong jury trial, Robinson was found guilty of murder due to the presentation of compelling bloodstain pattern evidence. The case was particularly challenging for obvious *corpus delicti* reasons. After the trial Robinson told investigators where Fesmire's body was, but the presiding justice still gave him a life sentence.

Opposing Counsel:

Ted Dilworth
Dow's Law Office
266 Main St.
Norway, ME 04268
(207) 743-6351

6. **State of Maine v. Thayne Ormsby**

Docket #: Aro-Cr-12-332
Aroostook County Superior Court
The Honorable Alan Hunter (Retired)
2012

I was co-counsel in the prosecution of Thayne Ormsby for three murders. Ormsby harbored a grudge against one of his victims and, wanting to prove his manhood killed that victim, another adult, and a child. After a long investigation he was apprehended and charged. At trial he interposed an insanity defense. Former Deputy Attorney General William Stokes and I tried the case together. He

handled the guilt or innocence part of the case, and I handled the insanity part in a bifurcated trial. Ormsby was found guilty and criminally responsible. He received three life sentences.

Primary Co-Counsel:

The Honorable William Stokes (formerly Deputy Attorney General)
21 Fairview Ave
Augusta, ME 04330
(207) 441-0014

Opposing Counsel:

James Dunleavy
Currier and Trask
55 North St.
Presque Isle, ME 04769
(207) 764-4193

Sarah LeClaire
409 Main St
Presque Isle, ME 04769
(207) 764-2264

7. **State v. Huy Van Nguyen**

Docket #: Yor-Cr-08-247
York County Superior Court
The Honorable Arthur Brennan (Ret.)
2007

I was co-counsel in the murder prosecution of Huy Van Nguyen. The defendant, along with other members of the greater Boston Asian mafia, had picked up the victim and brought him to Maine where he was slain, execution style, on the side of the road. One of the contested issues at trial was whether the jury had to be unanimous in finding that Nguyen was guilty as a principal or as an accomplice. After a nearly three-week jury trial, fought on every level, Nguyen was convicted of murder.

Primary Co-Counsel:

Assistant Attorney General Lisa Marchese (Retired)
13 Stirling Way
Cumberland Ctr, ME 04021
(207) 831-9145

Opposing Counsel:

Daniel Lilley
Portland, Maine
Deceased

8. **State of Maine v. George Jaime**

Docket #: Aro-Cr-14-31
Aroostook County Superior Court
The Honorable Robert Murray (Ret.)
2013

I was sole counsel in the prosecution of George Jaime for the gruesome murder of his girlfriend, Starlette Vining. Vining disappeared in 1998, and her body was never recovered. After a weeklong jury trial, Jaime was found guilty of murder due to the presentation of bloodstain pattern evidence and the testimony of his son, Theodore. The case was particularly challenging for obvious *corpus delicti* reasons. He was sentenced to forty years in prison and died this year while in custody.

Opposing Counsel:

Jeffrey Silverstein
9 Central St.
Bangor, ME 04401
(207) 743-6351

9. **State of Maine v. Colin Kohler**

Docket #: Pen-Cr-11-359
Penobscot County Superior Court
The Honorable William Anderson (Retired)
2011

I was lead counsel in the prosecution of Colin Kohler for the stabbing death of a young woman in a homeless encampment along the river in Bangor, Maine. After a weeklong trial, the defendant was convicted after making death threats against both me and the presiding justice who ultimately gave him a life sentence.

Co-counsel

Assistant Attorney General Donald Macomber (Retired)
4 Bog Road

Monmouth, ME 04259

Opposing Counsel:

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(207) 941-0999

Peter Cyr
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Portland, ME 04102
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10. **State of Maine v Katrina Bridges**

Docket #: Was-Cr-02-38
Washington County Superior Court
The Honorable Ellen Gorman (Ret.)
2001

I was lead counsel in the prosecution of Katrina Bridges for the murder of her live-in boyfriend in Washington County Maine in January of 2001. The case was tried twice. The defendant's first conviction was overturned due to perceived suppression issues by the Maine Supreme Judicial Court. Her defense in both trials was one alleging that her boyfriend had been killed by alternate suspects. In the first trial the court allowed the alternate suspect evidence but disallowed it in the second trial. At the second trial she was again convicted of intentional or knowing murder. In the first trial I was lead counsel assisted by another assistant attorney general. Likewise, there were two attorneys for the defense. In the second trial, I was sole counsel, and lead counsel in the first trial was also sole counsel for the defense.

Primary Co-Counsel:

Assistant Attorney General Lara Nomani
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(207) 399-4411

Opposing Counsel:

Jeffrey Toothaker
14 High St.
Ellsworth, ME 04976

(207) 474-4650

The Honorable David Mitchell
85 Court St.
Machias, ME 04654
(207) 255-3054

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Clearly, the most significant legal activities that I have pursued have been the 90 to 100 murder trials that I engaged in when I was a member of the Maine Attorney General's Office. In addition to those trials, I also personally supervised the investigation in probably another fifty or so cases that ultimately were resolved by a plea.

The most significant of those cases was probably *State v. Nielsen*, an Oxford County case where the defendant murdered four people in Upton, Maine and Newry, Maine respectively in 2006. Ultimately, he entered pleas of guilty and received four life sentences.

Also, when I was in the District Attorney's Office in the late 1990s, before I became a homicide prosecutor, I also tried a number of serious sex cases, including *State v. Steven Carmichael*, which resulted in Carmichael's receiving a thirty-five-year sentence to the Maine Dept. of Corrections.

Since becoming a trial court judge in 2014, I have presided over a number of serious jury trials, including, but not limited to arsons and other felony matters. I also had occasion, in the matter of *State v. Whitman*, to rule that Maine's possession of firearm by a prohibited person statute was unconstitutional as applied to the defendant, a nonviolent felon. The State did not appeal.

In the case of *State v. Worthing*, I addressed the extent to which true threats were protected by the First Amendment to the United States Constitution, a matter of first impression under Maine's stalking statute.

I have engaged in no lobbying activities.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses on a full-time basis. From time to time, I have been asked to serve as a guest lecturer at the Maine Criminal Justice Academy or the warden school or ranger school. These lectures were always on issues related to Maine and United States Criminal Procedure. They were not recorded, and I no longer have my notes connected to any of these lectures.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no such deferred income arrangements.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

During the nomination process, I consulted with the Department of Justice's Ethic's Office and designated Ethics Officer to identify any potential conflicts. If I am confirmed I will continue to consult with that office and will recuse myself

from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my career I have been conscious of my obligation to perform pro bono legal service. During my periods in private practice, I have performed several hundreds of hours of pro bono work. During my time as a prosecutor, I was also conscious of the obligation and attempted to repay the public's trust in me working multiple additional hours in trial preparation to ensure that the public was receiving much more than what they were paying for. That continued throughout my prosecutorial career.

AFFIDAVIT

I, Andrew B. Benson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

15 15 25
(DATE)

Andrew B. Benson
(NAME)

Breanna Goewey
(NOTARY)

