

STATE OF MAINE  
YORK, SS.

UNIFIED CRIMINAL DOCKET  
LOCATION: ALFRED  
Docket No.: YRKCD-CR-22-319

STATE OF MAINE,                    )  
    Plaintiff                        )  
  )  
v.                                        )  
  )  
  )  
ANDREW HUBER YOUNG,)            )  
    Defendant                        )

MOTION TO ALLOW  
MR. HUBER-YOUNG TO  
APPEAR IN CIVILIAN CLOTHING  
(FILED VIA SHAREFILE)

NOW COMES Mr. Huber Young by and through his attorney, David J. Bobrow, with the this Motion to Allow Mr. Huber-Young to appear in civilian clothing particularly stated as follows:

- (1) This matter is currently before the Court on the Government's primary charge of Homicide, Class A.
- (2) This matter is scheduled for a lengthy suppression hearing on Tuesday, November 26, 2024. Undersigned counsel will be appearing with Mr. Huber-Young.
- (3) There has been negative publicity in this matter which has led to two sets of photographs of the Defendant appearing in local and national publications. Further detrimental photos will have the effect of preventing Mr. Huber Young from obtaining a fair trial.  
<https://courses2.cit.cornell.edu/sociallaw/MakingAMurderer/PretrialPublicity.html> (the results show that cases involving murder had a greater effect in the survey and experiment designs. The results of the meta-analysis showed that across studies, those subjects that were exposed to negative pretrial publicity were more likely to find the defendant guilty than those that were exposed to less or no negative pretrial publicity (the mean effect size was  $r = .16$ ). More specifically, the researchers found that negative pretrial publicity had a significant effect on their judgment of the defendant. The researchers also broke down their results by the previously identified categories. They found that the survey method, in

which they surveyed subjects from jurisdictions in which there was exposure to real pretrial publicity and a real trial, had a larger effect between the pretrial publicity and the juror decision-making ( $r = .39$ ). This is important because the surveys more closely simulate what actual jurors are exposed to before a trial, which means that real jurors are likely strongly affected by pretrial publicity).

(4) This Court has already acknowledged the negative pretrial publicity from the original mug shot. See Trans. of hearing on Motion to Require In Person Initial Appearance. The Court has the ability to minimize this by allowing the Defendant to appear in civilian clothing. See *Stroble v. California*, 343 U.S. 181, 201 (1952)(Frankfurter, J., dissenting) (Court should take action to mitigate inflammatory publicity). See also *Sheppard v. Maxwell*, 384 U.S. 333 (1966)(“Effective control of these sources - concededly within the court's power - might well have prevented the divulgence of inaccurate information, rumors, and accusations that made up much of the inflammatory publicity, at least after Sheppard's indictment.”)

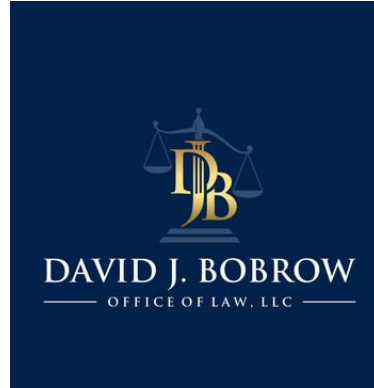
(5) Additional detrimental pictures of the Defendant will only make it more difficult to obtain a fair trial as undersigned counsel will be presented with the conundrum of inquiring if prospective jurors observed such photographs which could further bring attention to them. *Farrell v. Massachusetts*, 407 U.S. 910 (1972); *Beneficial Fin. Co. v. Massachusetts*, 407 U.S. 914 (1972); *Commonwealth v. Beneficial Fin. Co.*, 360 Mass. 188, 296 (1971).

(6) This Motion has been filed via sharefile.

WHEREFORE the Defendant respectfully requests that this Honorable Court order that the Defendant appear in civilian clothing together with any and all other relief that this honorable Court deems fit and just.

RESPECTFULLY SUBMITTED:  
ANDREW HUBER YOUNG  
By His Attorney  
DAVID J. BOBROW, Bar No. 9164

DAVID J. BOBROW, OFFICE OF LAW, LLC



P.O. Box 466  
Portland, Maine 04112  
207-835-1525

Date: 11/21/2024

*/s/ David J. Bobrow s/DJB*

David J. Bobrow, Esq.

#### CERTIFICATE OF SERVICE

I hereby certify that on this date I shared via sharefile and emailed a copy of this Motion to Robert Ellis, Esq. and Leanne Robin, Esq.

Date: 11/21/2024

*/s/ David J. Bobrow s/DJB*

David J. Bobrow, Esq.

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Plaintiff )  
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ANDREW HUBER YOUNG, )  
Defendant )

ORDER ON  
MOTION TO ALLOW THE DEFENDANT  
TO APPEAR IN CIVILIAN CLOTHING

The Motion to Allow the Defendant to Appear in Civilian Clothing is hereby GRANTED.

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Date

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Richard Mulhern, Justice  
MAINE SUPERIOR COURT