

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

MICHAEL DOYLE	)	
	)	
	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No.:
	)	
JUDGE JOHN O'NEIL JR., SUPERIOR	)	
COURT, STATE OF MAINE, and the	)	
MAINE JUDICIAL SYSTEM	)	
	)	
	)	
	)	
Defendants	)	

**COMPLAINT & DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff Michael Doyle and hereby complains against  
Defendants Judge John O'Neil Jr. and the Maine Judicial System.

**THE PARTIES**

1. Plaintiff Michael Doyle an individual residing in  
the Town of Falmouth, County of Cumberland and State of Maine.
2. Defendant Judge John O'Neil, Jr. is a lawfully appointed member of  
the judiciary in the State of Maine.
3. Defendant Maine Judicial System is a lawfully organized branch of

- the government of the State of Maine.
4. Defendant John O’Neil Jr. (“O’Neil”) is an individual who, upon information and belief, resides in the State of Maine. At all times relevant to this Complaint, Defendant O’Neil was a judge on the Superior Court Bench and an employee of the State of Maine Judiciary.
  4. a. Defendant State of Maine

### **JURISDICTION & VENUE**

5. Venue is proper in this court because the Plaintiff is a resident of Maine, and because Defendants are an individual or government units residing, or organized and/or incorporated in the State of Maine. This Court has personal jurisdiction over the Defendants because they are individuals or government units residing, organized and/or incorporated in the State of Maine.
6. This Court has original subject matter jurisdiction over this case pursuant to the First Amendment and the Freedom of the Press Clause and open courts provisions of the law of the United States Constitution.
7. There are no pending state court proceeding relating to any of the factual and/or legal claims asserted in this Complaint.

### **NATURE OF CLAIM**

8. The Maine Supreme Judicial Court has promulgated  
Administrative Order No. JB-05-15 (A. 9-11)  
Promulgation Date: September 19, 2011 (Exhibit A attached)
9. Plaintiff asserts that this order violates the First Amendment of the  
United States Constitution under the Freedom of the Press clause and  
open courts provisions.

### **SPECIFIC EVENTS**

10. In January 2015 a hearing was held in Judge O'Neil's court that  
Plaintiff Doyle was certified pursuant to Administrative Order to  
cover by video and audio for the web site [www.falmouthtoday.me](http://www.falmouthtoday.me).  
(Exhibit B attached) The pretrial hearing concerned the case where  
the Eliot Police were allegedly lying on signed patrol logs.
11. At a subsequent pretrial hearing on February 5, 2015, Defendant  
O'Neil signed a Media Notification-Requested Coverage of Court  
Proceedings form. (Exhibit C attached)
12. This brought a change in location from the previous month's location  
of where the media could position itself to record the hearing.

Because of this, a letter for reconsideration was sent by Plaintiff to O'Neil. (Exhibit D attached). At the first hearing Plaintiff was allowed to sit near the witness chair where questions and answers could be heard. The WMTW-TV cameraman was positioned there behind Plaintiff and recorded over Plaintiff's shoulder. Plaintiff questioned Defendant O'Neil about the change of location, at that location I determined that the audio of the video was too far from the speakers to be heard at playback and challenged the new location in open court on the record with Defendant O'Neil.

**CLAIMS and CAUSES of ACTION and OPEN ACCESS to  
COURTS DUE to the ADMIMISTRATIVE ORDER**

13. Plaintiff contends that the Administrative Order (Exhibit A attached) violates the Freedom of the Press Clause of the U.S. Constitution and open access to the courts in the following areas:

a). First paragraph requires authorization to even cover a hearing by recording it. That Order violates my Constitutional Rights to cover the courts. We as a society have come a far distance from when the county courthouse was in the town square and the shop owners and farmers could stop work and walk to the courthouse and attend a

hearing or a trial they had an interest in observing how the courts conducted its affairs. In the world of 2015 where we live off our computers, tablets, and smart phones and depend on the media (Free Press) to access those ‘public hearings’ and ‘public trials’ and report it on cable and the internet sites so we, the public, can observe a ‘public hearing’.

b). Defendant O’Neil ordered the Plaintiff to record from a location that guaranteed little or no access to the proceedings. It was not possible to hear the majority of the questions of the lawyers and the answers of the witness on the morning in question. The net effect would be similar to watching the proceedings from behind a glass wall in a nearly sound proof room where only parts of what was being said could be heard. The video of this can be seen on YouTube at <http://youtu.be/5y49fAuSfn0> (Exhibit E). The Administrative Order giving the arbitrary control of where a member of the press can sit functionally violates Plaintiff’s Constitutional Rights.

c). The following violates Plaintiff’s rights, but not limited to these following noted provisions of the Administrative Order.

- 1) In the Admin Order at I.A. 1. “*Cameras and audio recording...with judicial approval*” is the exact opposite of the later rule allowing free

- access to the proceedings in the Maine Supreme Court, where photos and video are allowed any time the court is in session. This rule should be struck down as it conflicts with the access to a higher court.
- 2) In Admin Order at B.1.iii. Once again with judicial approval, this rule violates access to the Press and violates the First Amendment.
- 3) In Admin Order at C.1. “*judicial officer...and location of recording equipment*” this allows at the sole discretion of said judicial officer to locate the equipment where it is useless in its ability to record the proceedings and thwarting the public interest in observing and hearing the proceedings at a time and place where the public can make those observations at will. This single portion of the Admin Order effectively makes hearings and trials a secret activity except for the handful of people in the courtroom, and those handful are usually directly involved in the case at hand.
- 4) In Admin Order at 2.d. “*presiding judicial officer...in appropriate circumstances*” fails to define what is, and is not, appropriate circumstances and allows judges like Moskowitz to order the Press not to report on testimony by witnesses in violation of the First Amendment and having to publicly retract that illegal order which can

be seen at <http://youtu.be/s63rlSqWqik> (Exhibit F). Moskowitz also arbitrarily denied Plaintiff the right to record a hearing by refusing to sign the authorization form. Judge Wheeler also denied Plaintiff the right to record a hearing in her court without cause because one of the lawyers objected to being recorded. This can be construed in such a way as to make the availability of a public hearing impossible for the public, as seen in the issue of this action.

- 5) In Admin Order 5. *“The location of recording...approval of the presiding judicial officer”*, as in the above this latitude is open to abuse by the presiding judicial officer again rendering a public hearing impossible.
  
- 6) In Admin Order D. *“Prior advance approval...held by the Maine Supreme Judicial Court is not necessary”*, contradicts the very same rules applied to the lower courts in Maine and all courts should be required to abide by the same rules set forth for the Maine Supreme Court. At the same time it should be noted that Plaintiff has been certified in New Hampshire to cover, report on, and video and audio record hearings in any case, in any state courtroom. It would make more sense to have the same protocol in Maine and less discretion by

each individual judge who may or may not abuse that discretion.

7) In Admin Order at II. Review A. and B. “...*judicial officer has sole discretion to approve or deny coverage...*, this prevents a Free Press from performing their Constitutionally Protected Rights and as such should be struck. How can the Press be expected to work for the public interest when they are at the mercy of the whims of every judge in the District and Superior courts of Maine?

8) In the Admin Order at “*An order granting, denying, ... shall not be reviewable in any court*”, this would seem to be a violation of Due Process, another right guaranteed in the Constitution, and as such should be struck.

14. Finally, the most disturbing part of this cause of action is that Plaintiff has to bring these violations of the Constitution to this Court’s attention because these violations were written and mandated by trained lawyers, the Maine Supreme Court, that should know and abide by the limits placed upon them and all other citizens of the United States of America, by the United States Constitution and the Amendments thereto.



Wherefore Plaintiff requests judgment:

- 1) that the provisions of the Administrative Order violate the rights of the Plaintiff and the entire Administrative Order be struck in whole,
- 2) that Plaintiff be allowed to video and audio record all court proceedings not barred by statute at a location that provides an audio that can be heard at playback,
- 3) that the Administrative Order be voided and such other relief that may be deemed appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all claims set forth herein that are so triable.

MICHAEL DOYLE,  
Pro se

Dated: February 24, 2015

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