

State of Maine

v.

John D. Williams

**ORDER CONCERNING MOTION
TO RECONSIDER**

John D. Williams has filed a motion for reconsideration of our decision affirming Williams’s murder conviction for the shooting of Corporal Eugene Cole. *State v. Williams*, 2020 ME 128. In his motion, Williams raises multiple issues related to the State’s in-court demonstration of two scenarios of how the shooting may have occurred. The motion has been considered by the panel that decided the original appeal.

We grant the motion for reconsideration only with respect to footnote five. Williams takes issue with our statement in that footnote that “it is unclear why [Williams] waited until the middle of trial to consult with his expert.” 2020 ME 128, ¶ 34 n.5. Based on our further review of the record, specifically regarding two colloquies among the trial court and counsel following the in-court demonstration, we agree that Williams’s counsel made statements that

suggest that he had “consulted on this case” with the expert before the trial.¹ We accept counsel’s representation that the footnote inaccurately suggests that Williams had not consulted with his expert *at all* prior to the demonstration. Accordingly, we grant the motion for reconsideration, in part, and delete the language indicating that “it is unclear why he waited until the middle of trial to consult with his expert.”

In all other respects, we deny the motion.

It is ORDERED that the motion for reconsideration is GRANTED IN PART to amend footnote five as follows:

⁵ Williams’s motion for a mistrial was prompted by an overnight conversation that Williams’s attorney had with an expert between the fourth and fifth days of trial. During that conversation, the expert purportedly said that he believed that the State’s demonstration was inaccurate. By that time, Williams had been in possession of Investigator Morrill’s report and conclusions for five months, ~~and it is unclear why he waited until the middle of trial to consult with his expert.~~

In all other respects, the motion is DENIED.

Dated: December 1, 2020

For the Court,

_____/S/_____
 Clerk of the Law Court
 Pursuant to M.R. App. P. 12A(b)(4)

¹ Other than to say that “the record clearly shows . . . that Appellant’s counsel did not wait until the middle of trial to consult with his expert,” Williams’s motion does not direct the Court to any part(s) of the record to support his claim of clarity.