

Former jail worker gets new appeal

By Christopher Williams, Staff Writer
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PORTLAND — A former corrections officer will get his day in court — again — to appeal his firing, which stemmed from two incidents involving horseplay at the Androscoggin County Jail.

The Maine Supreme Judicial Court concluded Tuesday in a written decision that Patrick Gorham was denied an opportunity to make his appeal in Androscoggin County Superior Court, where he had filed a complaint following his 2-1 termination by the Androscoggin County Commission.

The lower court said Gorham had filed the appeal of his firing too late.

The high court disagreed, sending Gorham's appeal back to Androscoggin County Superior Court to hear the merits of his firing.

In its 14-page decision, the seven justices held that Gorham should have been allowed to file his appeal within 30 days from the time of the commissioners' written decision, not from the time of their vote, as the lower court had ruled. The language of state law reads: appeal to be filed "within 30 days after notice of any action or refusal to act of which review is sought."

Because Gorham was present during the commissioners' meeting when they voted to fire him, then-Androscoggin County Superior Court Justice Thomas Delahanty ruled that Gorham's appeal was not timely and granted the county's motion to dismiss Gorham's appeal.

Gorham was a jail supervisor in 2009 when he was fired for on-the-job pranks, including duct-taping a co-worker to a chair and sending the bound man up the jail elevator; Gorham also put a co-worker in a chokehold, causing that worker to complain he felt disoriented and nauseous afterward.

Videos of the two incidents were captured on jail surveillance cameras and shown to commissioners. Two of three commissioners voted to fire Gorham on the recommendation of Sheriff Guy Desjardins, who earlier had suspended Gorham without pay.

The commissioners' meeting was held on Nov. 4, 2009; they filed their written decision, including findings of fact, on Nov. 18. Gorham filed his appeal on Dec. 18.

Gorham's lawyer, Shawn Sullivan of Concord, N.H., told the high court in April during oral arguments that his client should have been granted 30 days from the commissioners'

Nov. 18 written decision to draft his appeal after he had a chance to glean the rationale of the majority's thinking.

Sullivan, whose litigation services were sponsored by the American Federation of State, County and Municipal Employees to represent the former union member, said Tuesday that justice had prevailed.

"Fairness is what it's all about," Sullivan said. "It levels the playing field and makes it fair for everybody."

Sullivan said Gorham's concurrent appeal of his constitutional due process rights also was preserved by the high court's ruling Tuesday.

Sheriff Desjardins reacted to the news Tuesday, not having read the high court's decision. "All we can do is move forward with it," he said.

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