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TRIBUTE TO DAVID GREGORY, ESQ.

*Michael P. Cantara**

In the 1980s, York County District Attorney Gene R. Libby reached out to one of his former law school professors to handle the office's appellate work before the Law Court. The professor agreed to research, write, and argue the briefs on behalf of the State of Maine. Thus began a long and enriching relationship between the York County District Attorney's Office and David D. Gregory. But for the time he spent teaching in Ireland, David Gregory worked with York County prosecutors for approximately fifteen years. His scholarly work, his attention to detail, and his deep respect for the Constitution exercised a positive influence on all of us who worked with him.

Over the years, David Gregory worked with many members of the York County District Attorney's Office. Most of us were graduates of the University of Maine School of Law, and had been in one of David's classes. For many, it was an interesting, and sometimes awkward, transition of relationship, from that of former student-professor (with a healthy sense of awe on the part of the student for David), to that of professional equals. David made the transition easy. His enthusiasm for appellate work, his keen interest in the procedural, legal, and constitutional issues presented in these criminal cases, along with his genuine sense of caring for what is right and just, regardless of ultimate outcome, quickly made him a valued colleague, and a good friend.

What struck many of us over the years in working with David was not just his brilliance—after all, we had witnessed that aspect of his person in law school—but his sense of humor. His laughter often filled our tiny conference room. David was quick to share tidbits from trial transcripts, which made him, and us, smile, sometimes at ourselves. The conversation often ventured far afield from the lofty ideas and legal principles we have all associated with him. He laughed with us, he smiled with us and at times, joined us in being downright ridiculous. His humor, and his caring, made him warm and accessible.

In many ways, through conversation, and through his drafting of briefs for the Law Court, he reminded us of the special duties all prosecutors have. His philosophical point of reference with us can be found in *Berger v. United States*,¹ where the Supreme Court said:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.²

* York County District Attorney.

1. 295 U.S. 78, 88 (1935).

2. *Id.*

Through his words and deeds, David Gregory was always teaching us that: the State while charged with vigorously enforcing the laws “has a duty to not only secure appropriate convictions, but an even higher duty to see that justice is done.” In his role as the State’s representative in criminal matters, the prosecutor, therefore, must not only attempt to win cases, but must see that justice is done.³

David provided York County not only with excellent representation before the Law Court, but also with guidance and sound advice, as the above-referenced cites illustrating his thinking make clear. In the process, over these many years, David not only was an asset to our work, but a friend to us all. We shall miss him deeply.

3. Walker v. State, 624 P.2d 687 (Utah 1981).