

MAINE SUPREME JUDICIAL COURT

State of Maine v. Terri L. Moulton

2026 ME 6 · No. Pis-24-424 · Decided January 29, 2026

SUMMARY

The Maine Supreme Judicial Court affirmed Terri L. Moulton’s convictions for theft by unauthorized taking or transfer and forgery. The court held that prosecutorial errors were harmless, the trial judge did not abuse his discretion in denying recusal, and the State did not violate its discovery obligations concerning QuickBooks access and financial records.

CASE DETAILS

COURT	Maine Supreme Judicial Court
WRITING FOR THE COURT	LAWRENCE, J.; STANFILL, C.J.; MEAD, J.; DOUGLAS, J.; LIPEZ, J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	January 29, 2026
DOCKET	Pis-24-424
DISPOSITION	affirmed
PROCEDURAL POSTURE	Moulton appealed from a judgment of conviction entered after a jury trial on one count of theft by unauthorized taking or transfer and one count of forgery.
STANDARD OF REVIEW	Prosecutorial statements objected to at trial were reviewed for harmless error; unobjected-to statements were reviewed for obvious error. The denial of recusal and discovery-related evidentiary rulings were reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Terri L. Moulton v. State of Maine

TOPICS

- prosecutorial misconduct
- criminal procedure
- discovery criminal
- due process
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether prosecutorial statements during opening statement, closing argument, and rebuttal argument constituted prosecutorial error requiring reversal under harmless-error or obvious-error review.
2. Whether the trial judge abused his discretion by denying Moulton's motion to recuse based on the judge's prior employment with the same district attorney's office as the prosecutor.
3. Whether the State violated its criminal discovery obligations by failing to provide the QuickBooks password and whether the trial court abused its discretion by denying exclusion of the financial evidence as a discovery sanction.

HOLDINGS

1. The prosecutor's comments concerning Moulton's right to a trial, punishment, and trust and betrayal constituted error in whole or in part, but the errors were harmless because the evidence of guilt was overwhelming and the trial court gave curative jury instructions.
2. The prosecutor's unobjected-to references to trust and betrayal satisfied the error and plainness components of the obvious-error test, but did not affect Moulton's substantial rights or require reversal.
3. The prosecutorial errors, considered individually and cumulatively, did not deprive Moulton of due process or require reversal.
4. The trial judge did not abuse his discretion by denying recusal based on his prior employment with the district attorney's office and professional association with the prosecutor.
5. The State did not violate its obligation to produce information outside its possession or control, and the trial court did not abuse its discretion by denying exclusion of the financial evidence as a discovery sanction.

KEY QUOTATIONS

"The State may not question this right in front of the jury." (§ 18)

"Instead, asking the jury to imagine themselves in Moulton's shoes as someone who lied to the people who trusted her is a direct appeal to the jury's sense of morality and sympathy." (§ 25)

"Only when the defendant can establish that the effect is so significant as to deprive [her] of a fair trial will we vacate on that basis." (§ 43)

"The entry is: Judgment affirmed." (§ 47)

FACTUAL BACKGROUND

Between 2019 and 2022, Terri L. Moulton worked as a bookkeeper for Dewitt Machine and Fabrication and took approximately \$500,000 from the business by writing checks to herself and forging a co-owner's signature. During a law-enforcement interview recorded on a body camera, Moulton confessed to taking and spending the money. At trial, the State introduced the video confession, bank records, QuickBooks data, and a check register, along with testimony concerning the financial transactions.

PROCEDURAL HISTORY

Moulton was charged by complaint in April 2022 and indicted on the same charges in June 2022. After the trial court denied her motion to suppress her confession, denied motions to recuse and to exclude financial evidence, and denied motions for mistrial and judgment of acquittal, a jury found her guilty. The trial court sentenced her to concurrent nine-year sentences, with all but four years suspended, and three years of probation. The Maine Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hansen, 2020 ME 43, 228 A.3d 1082
- State v. Osborn, 2023 ME 19, 290 A.3d 558
- State v. White, 2022 ME 54, 285 A.3d 262
- State v. Dolloff, 2012 ME 130, 58 A.3d 1032
- State v. Tripp, 2024 ME 12, 314 A.3d 101
- State v. Poulin, 2016 ME 110, 144 A.3d 574
- State v. Lockhart, 2003 ME 108, 830 A.2d 433
- State v. Lyons, 1998 ME 225, 718 A.2d 1102
- State v. Okie, 2010 ME 6, 987 A.2d 495
- State v. Park, 193 A.2d 1 (Me. 1963)
- State v. Ammerman, 586 A.2d 1244 (Me. 1991)
- State v. Nightingale, 2023 ME 71, 304 A.3d 264
- United States v. Mooney, 315 F.3d 54 (1st Cir. 2002)
- State v. Bennett, 658 A.2d 1058 (Me. 1995)
- State v. Atwood, 2010 ME 12, 988 A.2d 981
- Johnson v. Amica Mut. Ins. Co., 1999 ME 106, 733 A.2d 981
- State v. Marden, 673 A.2d 1304 (Me. 1996)
- State v. Silva, 2012 ME 120, 56 A.3d 1230
- State v. Hassan, 2018 ME 22, 179 A.3d 898

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