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DEADLY FORCE REVIEW PANEL

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

September 30, 2025

The Hon. Anne M. Carney, Senate Chair
The Hon. Amy D. Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Dear Sen. Carney, Rep. Kuhn, and Members of the Committee on Judiciary:

The Deadly Force Review Panel completed its 45th review of a law enforcement officer's use of deadly force. Under Title 5, section 200(K)(7), "within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer . . . the panel shall submit a report on the panel's activities, conclusions, and recommendations about the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters." The report is enclosed.

The Panel examined the January 15, 2024, incident in Naples, the details of which are included in the Panel's enclosed report.

For the Deadly Force Review Panel:

Fernand Larochelle, Chair
Stephen Burlock, Vice Chair

Enclosure

cc:
Criminal Justice & Public Safety Committee
Health & Human Services Committee

January 15, 2024 - Naples Use of Deadly Force Incident

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel submits this report on the deadly force incident in Naples on January 15, 2024, involving Deputy Alexander Markellos of the York County Sheriff's Office, which caused serious injury to Eric Sweda, age 36. By law, after the Attorney General releases a report concerning the legality of the use of deadly force causing death or serious injury, the Panel will review the matter to independently determine whether there was adherence to accepted best practices under the circumstances or if those practices need adjustment or improvement. The Panel may suggest ways to improve standards, including changes to laws, rules, training, policies, and procedures to promote best practices that improve public and officer safety. It is important to note that the Panel's "Observations" are specific bullet points taken directly from the incident case file, mainly aimed at highlighting key information. The Panel's "Recommendations" are intended to identify potential systemic issues that agencies should consider during future critical incidents. The Panel is not responsible for re-evaluating the Attorney General's legal judgment regarding the use of deadly force; discussions, observations, and recommendations are made independently of the Attorney General.

Synopsis

On Sunday night, January 14, 2024, Eric Sweda, home alone and intoxicated, called 911 nine times. He was at his residence at 64 Horace Files Road in Naples. He was argumentative with the dispatchers before saying several things, including "I need help," "I could shoot myself in the fucking head right now but I'm not," and "I'm asking you guys to take me in...nobody cares...I want to be taken in...it doesn't matter why...." Mr. Sweda had a history of being intoxicated and shooting a gun at his residence. The deputies from the Cumberland County Sheriff's Department who responded were familiar with him from prior calls for service.

Information the Panel Reviewed

Before its meeting, the Panel members received and reviewed all the investigative material compiled by the Attorney General. The material consisted of all the original investigative data, including interviews, video recordings, reports, forensic reports, photographs, emergency communications, and other relevant materials. The Panel also reviewed the Attorney General's July 10, 2024, report and the July 10, 2024, report of the internal review conducted by the York County Sheriff's Office.

Panel Discussion

On June 26, 2025, the Panel convened via Zoom to review the referenced incident. Several issues were discussed, including the involvement of alcohol and other substances, the suspect's reported depression and anxiety, the lack of body cameras, and the fact that the York County Sheriff's Office conducted the required internal review, but with no apparent involvement from the Cumberland County Sheriff's Office. Regarding the status of the suspect's criminal charges related to this

incident, the Panel learned that the suspect pled guilty to Reckless Conduct With a Weapon and Criminal Threatening, for which he received a sentence of five years, with all but 18 months suspended, and two years of probation with conditions that included mental health and substance use evaluations.

Case Specific Observations

The York County Sheriff's Office conducted the required internal review, but with no apparent involvement of the Cumberland County Sheriff's Office, despite its role in the incident.

System Level Recommendations

As noted in previous case reports, the Panel recommends that all law enforcement agencies involved in a deadly force incident jointly perform the required internal review. The Panel has consistently recommended that the Board of Trustees of the Maine Criminal Justice Academy update the internal review requirements to include this obligation.

Factual Summary

On Sunday, January 14, 2024, at 11:00 p.m., 36-year-old Eric Sweda called 911 from a residence in Naples. The residence was a mobile home situated on a hill, with other homes on each side separated by clusters of trees. A driveway led up to the left side of the mobile home, which faced the driveway. Several outbuildings were located on each side of the residence. The weather was extremely cold, and there was snow on the ground.

Mr. Sweda had been drinking whiskey all afternoon and was intoxicated. He also smoked marijuana and took a Xanax pill. His first call to 911 was nonsensical. The dispatcher made several attempts to determine if he was in an emergency. He said, "I'm taking such a nice piss right now...it just feels nice...it just feels nice...that's why I called you guys...." When it was clear he was just intoxicated, the dispatcher ended the call. Over the next hour, Mr. Sweda called 911 eight more times. Each time, he was belligerent, and the dispatcher struggled to have a rational conversation with him. After several calls, he made suicidal remarks and threatened to shoot the police if they responded.

Four Cumberland County deputy sheriffs arrived shortly after the last 911 call. They were familiar with Mr. Sweda's history, the most recent incident in October 2023, when he discharged a weapon on his property out of anger towards his brother. The deputies parked their marked cruisers at the end of the driveway on the street and tried to contact Mr. Sweda by phone several times, but he did not answer. The four deputies agreed that Mr. Sweda needed to be taken to the hospital for a psychiatric evaluation. They were standing next to one of the cruisers when they heard three gunshots coming from the residence. It was unknown where the bullets hit. Twenty-nine minutes had passed since their arrival. The deputies took cover, waiting for the Cumberland County Emergency Service Unit [ESU] to respond. During this time, about 20 minutes passed, and then another eight gunshots were heard from the residence. Again, it was unclear where the bullets

struck. Mr. Sweda continued calling 911, becoming agitated with the police response and demanding they leave. He claimed he shot out his bedroom window and was bleeding.

While en route to Naples, a negotiator contacted Mr. Sweda by telephone. Mr. Sweda continued to be adversarial and terminated several calls. Mr. Sweda made statements of suicidal and homicidal ideation, threatening to shoot the police if they approached the residence.

Cumberland County ESU responded along with two members of the Southern Maine Special Response Team [SMSRT], including York County Deputy Sheriff Alexander Markellos. He was briefed on Mr. Sweda's actions, including his mental health and history of weapon possession. Deputy Markellos was thereafter positioned beyond the unattached garage. While getting into position, he heard over the radio that Mr. Sweda was on the front porch, naked and masturbating. He was also informed that Mr. Sweda had made comments about shooting the police and hurting someone, and was informed of a past incident where Mr. Sweda fired a gun at a mail carrier or utility truck.

In his assigned position on the perimeter for about 40 minutes, Deputy Markellos heard Mr. Sweda yell, "Fuck you, get off my property!" and someone was "gonna get hurt real bad, I'm gonna fucking shoot you!" One of the perimeter units relayed over the radio that Mr. Sweda had a rifle behind his back. Shortly thereafter, Deputy Markellos observed Mr. Sweda approach a sliding glass door on the side of the house facing the rear of the property. With the use of his night vision, Deputy Markellos could see Mr. Sweda standing in the threshold of the door. Deputy Markellos observed Mr. Sweda raise an AR-style rifle and point it in his general direction. He observed Mr. Sweda take a step off the threshold and out the door, immediately raise the rifle, and sweep the barrel to the tree line where other officers were taking cover on the perimeter. Mr. Sweda then fired what Deputy Markellos believed were three shots. In that instant, Deputy Markellos saw another York County deputy sheriff, who was near him, fall to the ground. He believed the deputy had been shot. Deputy Markellos fired at Mr. Sweda, striking him once in the left arm. It was later determined that Mr. Sweda was 79 feet from Deputy Markellos. Mr. Sweda retreated inside and, within minutes, came out the front door and surrendered. He was transported to a trauma center where he was treated for a gunshot wound to his arm, a broken thumb, and lacerations to his left hand. Medical records showed his blood-alcohol content was 0.31%, nearly four times the legal OUI limit.

Mr. Sweda, later interviewed, was unclear about the details of his day from the time he woke up, but admitted to having a drinking problem. He described himself as "couch-ridden" in the morning from drinking too much the night before. He clearly remembered starting to drink whiskey early in the afternoon; he also took a Xanax pill and smoked marijuana. When asked what triggered the incident with the police, he had little recollection. He said he was told he called 911, but doesn't know why. He believed it was probably a "cry for help" because he's done it before. He said, "I think I was being very impulsive and didn't know what I wanted or needed." He was in his living room when he heard the police outside on the loudspeaker. He recalled opening the front door and seeing them at the end of the driveway. He knows it was the police because he saw the blue lightbar and spotlight. He didn't see the officers but heard them over the loudspeaker. He remembered they were asking him to come out with his hands up and get down on the ground. He does not recall his response but said, "I just wanted them to go away." He owns a rifle and a handgun stored and

loaded in his bedroom. Frustrated that the police were outside, he fired a gun from his bedroom through the window, shattering the glass. He doesn't remember how many times he fired or which gun he used. He said he did it to "scare away the police," then added, "Not a very good fucking logical explanation...."

Mr. Sweda did not remember getting shot or where he was when he was shot. He doesn't remember taking his clothing off or standing by the back sliding glass door. His last memory of the night is when he fired a gun out of his bedroom window. He recalled that it was dark out. He said when he drinks, "regressed anger comes out." He said he consumes an average of ten drinks every day. A typical day is three drinks of whiskey and a six-pack of beer. He described feeling very alone in November 2023. At that time, he quit drinking to "better myself," but that only lasted a week. He said he takes his anger out on people verbally, and when he's with his brother, he gets violent. He described an incident in October 2023 when he discharged his rifle outside his residence. He said he used it to "deter his brother away." He explained that he had gotten his brother out of jail, and his brother had stayed with him for a couple of days. He started drinking and got mad at his brother for not helping out around the house. He kicked his brother out, but he refused to leave. In his anger, Mr. Sweda went outside and fired two rounds into the ground from his rifle. He said a tow truck happened to be pulling in the driveway to repossess a vehicle, and the driver thought Mr. Sweda was shooting at him. The tow operator called 911, and the police responded.

Panel Members

Fernand LaRochelle, Chair

Stephen Burlock, Esq., Assistant District Attorney (Retired), Vice Chair/Secretary

Michael Alpert, Greater Bangor Area Branch NAACP

John Chapman, Esq.

Jack Clements, Chief of Police, Saco

Sandra Slemmer, designee of Alice J. Briones, D.O., Chief Medical Examiner

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Joshua Daley, designee of Jack Peck, Director, Maine Criminal Justice Academy

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Vice President of Adult Behavioral Health, Spurwink

Note: The individuals who serve on the Panel are appointed to bring their professional expertise to bear on discussions of these complex cases. Thus, members of the Panel may know or have had contact with individuals involved in the case under review. In such situations, members report such affiliations to the Panel, and that information is recorded in the meeting minutes. If panel members determine that they have a conflict of interest, they are excused from voting on the panel's observations and recommendations regarding that case.