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[Logger won't be charged](#)

Jackman boy killed when truck's load crashed into home

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SKOWHEGAN -- The Somerset County District Attorney's Office will not prosecute the truck driver who spilled his load of logs through a Jackman home in July, killing a 5-year-old boy.

Neither the speed nor the condition of Christian Cloutier's logging truck constituted a high degree of criminal negligence, according to Evert Fowle, district attorney for Somerset and Kennebec counties.

Cloutier could have faced a manslaughter charge for the death of Liam Mahaney, who was crushed by the logs as he slept on a downstairs couch.

"There was some speculation that Mr. Cloutier had had a seizure. He had made comments that he had thought he had fallen asleep. And there's even some evidence that he may not have negotiated the turn correctly," Fowle said Thursday, but none of that evidence turns the crash into a criminal act.

"We have to be faithful to the evidence and to the law that we have, and that's what ultimately dictated our decision," he said.

On July 19, a logging truck driven by Cloutier, of Quebec, and owned by DAN Express in Quebec crashed through two telephone poles and flipped over next to the Mahaney family house on Main Street.

The tree-length logs spilled through the west wall of the home, filling and demolishing the downstairs, and caused the second story to collapse to ground level.

Police determined that Cloutier's truck had been traveling between 1 and 9 mph over the speed limit, meaning he was in the range of 26 to 34 mph at the time of the crash, Assistant District Attorney Brent Davis said.

He said police were not able to gauge a completely accurate weight of the logs because they were dumped, but the truck was not carrying so many that they would have caused the truck to tip.

"The weight of the logs was not a factor in the accident," Davis said.

"We have a good read on the speed of the vehicle. We have a good read on the condition of the vehicle. Those things can be measured," Fowle said. "What we look for then is whether there's

any evidence of recklessness or criminal negligence as defined by law that would allow a prosecution for manslaughter to go forward and there's not."

A lawyer representing Liam's parents, Gary and Christina Mahaney, disagrees. "The Mahaneys first of all are extremely disappointed that there weren't further steps taken toward criminal prosecution," said Steven Silin, an attorney with Berman & Simmons.

"Unfortunately the DA has chosen not to go that route. It appears that Mr. Cloutier is not going to be held accountable criminally. We think he should be," Silin said.

The law firm hired its own expert to determine the approximate speed of the logging truck and found the speed was greater than what police reported, he said, though he declined to provide a number.

The firm has been retained to represent the Mahaneys' civil interests. "No amount of money is going to fairly compensate what the Mahaneys have been through," he said. "But the driver and his company need to be held accountable."

"If we need to go to court and have a jury speak to that, we will. If it's something that can be resolved without having to do that, that's something that we'll explore as well," he said.

Fred Costlow, of Richardson, Whitman, Large & Badger, an attorney representing the trucking company, said the company and the driver are deeply saddened by the crash and Liam's death.

"It's a tragic loss, and I'll be communicating with Mr. Silin as time goes on," he said.

Besides civil action, the family's recourse also lies with suspending Cloutier's driving license. The district attorney's office recommended to the Maine Department of the Secretary of State that it suspend Cloutier's license in Maine for up to three years, Fowle said.

He said his office will be fully cooperative if the Mahaneys seek civil compensation and that "they'll have the benefit of our investigations."

The crash was horrific, he said: "The magnitude of what happened here is beyond anything I've seen in terms of an accident ... I can't imagine going through what they're going through."

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