

STATE OF MAINE

Cumberland, ss

UNIFIED CRIMINAL  
DOCKET COURT  
Location: Portland  
Docket No. CR-08-472

State of Maine

v.

Misty Hanlon

**ORDER ON DEFENDANT'S  
MOTION TO CORRECT  
SENTENCE**

In this matter, the defendant was indicted for operating after revocation (Class C), in violation of 29-A M.R.S. § 2557-A(1)(2)(D)(1)<sup>1</sup>. She was convicted after a jury trial. At trial, the defendant jury-waived the issue regarding whether she had suffered previous convictions for operating after revocation (the element alleged in the Indictment that provided for the prohibited conduct to be classified as a Class C felony rather than a Class D misdemeanor). The parties stipulated that the defendant had suffered the prior convictions specifically referenced as numbers 2-6 in the Indictment, and the court found that the defendant had committed those offenses. The defendant was sentenced to 3 years in the custody of the Department of Corrections and a \$1,000.00 fine.

The defendant filed a Notice of Appeal but did not file a brief when it was due. She moved to dismiss her appeal. Her motion was granted and her appeal was dismissed. The defendant then filed her Motion to Correct Sentence. In her Motion to Correct Sentence, the defendant asserts that none of her convictions referenced in numbers 2-6 of the Indictment qualify as prior convictions under the applicable portion of subsection 2 of 29-A M.R.S. § 2557-A that mandates her crime as a class C felony.

A person who engages in the conduct that constitutes the crime of operating after revocation (defined in subsection 1), and who has not previously been convicted of certain specific crimes in the motor vehicle code, commits a Class D crime. Subsection (2) (A) (1) provides that a person is guilty of a Class D crime if the person engages in the conduct that constitutes the crime (defined in subsection 1), and "The person has not been convicted for operating after revocation under this section or under former Title 29, section 2298 within the

<sup>1</sup> Subsection 1 of 29-A M.R.S. § 2557-A defines the conduct that constitutes the crime of operating a motor vehicle after having been declared an habitual offender. Subsection 2 of 29-A M.R.S. § 2557-A details the penalties that apply for a violation of subsection 1. Those penalties (the designated class of the crime as well as any minimum mandatory sentence) are determined by the prior motor vehicle record of a person convicted of violating subsection 1.

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previous 10 years.” Based upon the charge in the Indictment, the penalty provision of § 2557-A applicable to the defendant is found in subsection (2) (D) (1). That subsection provides that a person is guilty of a Class C crime if the person engages in the conduct that constitutes the crime (defined in subsection 1), and “The person has 3 or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years.”

In the context of this case, it is important to briefly note the codification history of the operating after revocation statute. From 1979 to 1993, the statute was located at 29 M.R.S.A. § 2298. From 1993 to 1995, it was located at 29-A M.R.S.A. § 2557. From 1995 to present, it is found at 29-A M.R.S. § 2557-A. Throughout the last thirty years, the legislature has amended the operating after revocation statute many times. At times, it has increased the severity of, and penalties for the offense. At other times, it has done just the opposite.

A literal reading of the penalties provision of the statute that the defendant was charged under, subsection (2) (D) (1), *does not* include prior convictions for 29-A M.R.S.A. § 2557, the operating after revocation statute in effect from 1993 to 1995. Subsection (2) (D) (1) only includes prior convictions for the operating after revocation statute under 29 M.R.S.A. § 2298 (the statute in effect from 1979 to 1993), and under 29-A M.R.S. § 2557-A (the current statute that has been in effect since 1995).<sup>2</sup> All of the defendant’s prior convictions proven at trial (numbers 2-6 in the Indictment) are convictions under 29-A M.R.S.A. § 2557, the statute in effect from 1993 to 1995.

“It is a well recognized principle of statutory construction that penal statutes are to be construed strictly and that a criminal offense cannot be created by inference or implication, nor can the effect of a penal statute be extended beyond the plain meaning of the language used.” *State v. Ashby*, 743 A. 2d 1254, 1257 (Me. 1999), quoting *Davis v. State*, 306 A. 2d 127, 129 (Me. 1973). Our Law Court in *Kimball v. LURC*, expressly discussed the purposes to be effectuated by application of the rules of statutory construction.

First, the court should give meaning to the language chosen by the Legislature to the greatest extent possible. Second, the court has no role in attempting to divine legislative intent where the words chosen by the Legislature are clear and unambiguous. And finally, only when the words are susceptible of multiple meanings, or render the enactment an absurdity or nullity, should the court explore indicia of legislative intent. *Kimball v. LURC*, 745 A.2d 387, 392 (Me. 2000).

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<sup>2</sup> In fact, all four of the separate portions of subsection 2 only include prior convictions for § 2298 and § 2557-A, not for § 2557.

In the instant case, the words chosen by the legislature in § 2557-A, subsection 2 are clear and unambiguous. The words are not susceptible of multiple meanings. They do not render application of the statute a nullity or an absurdity. The language chosen by the legislature does seem to provide for curious results, because convictions for operating after revocation when the applicable conduct occurred between 1993 and 1995 do not count to enhance the penalties for current conduct while all other convictions for operating after revocation do count.

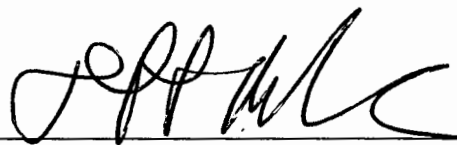
The omission of § 2557 from the penalties subsection of § 2557-A is all the more curious in light of the fact that the Legislature saw fit to specifically include § 2557 in other similar contexts in both the Motor Vehicle and Criminal Codes. In one notable example, the Aggravated Operating after Revocation statute, the Legislature specifically includes “former section 2557,” as well as current section 2557-A as eligible prior convictions to enhance penalties. 29-A M.R.S. § 2558 (2). Other examples can be found in 29-A M.R.S. § 2431 (4) (statements by an accused to prove operation without further proof of *corpus delicti*), 29-A M.R.S. § 1357 (2) (A) (5) (qualification to provide advanced driver education) and 17-A M.R.S. § 1349 (1) (eligibility for a sentence that includes administrative release).

Perhaps the omission of § 2557 from subsection 2 of the current operating after revocation statute is an oversight. If so, the Legislature can easily rectify that. However, in the context of the instant case, and with application of the rules of statutory construction, the court agrees with the assertion set forth in Defendant’s Motion to Correct Sentence that none of her previous convictions proven at trial operate to enhance the classification of her crime to the felony level.

**IT IS ORDERED:**

**Defendant’s Motion to Correct Sentence is GRANTED. The Clerk is requested to schedule this matter for resentencing at the earliest convenient time.**

Date: October 16, 2009

  
\_\_\_\_\_  
Jeff Moskowitz, Judge

STATE OF MAINE  
vs  
MISTY M HANLON  
5E LANCASTER ST  
PORTLAND ME 04101

SUPERIOR COURT  
CUMBERLAND, ss.  
Docket No PORSC-CR-2008-00472

**DOCKET RECORD**

DOB: 12/25/1981

Attorney: VANESSA BARTLETT  
VANESSA BARTLETT, ATTY AT LAW  
173 PARK ROW  
PO BOX 886  
BRUNSWICK ME 04011-0886  
APPOINTED 05/19/2009

State's Attorney: STEPHANIE ANDERSON

**Charge (s)**

**1 OPERATE AFTER HABITUAL OFFENDER REVOCATION 02/24/2008 PORTLAND**  
**3 PRIOR**  
**Seq 11244 29-A 2557-A(2) (D) Class C**

**Docket Events:**

02/25/2008 FILING DOCUMENT - CASH BAIL BOND FILED ON 02/24/2008

02/25/2008 Charge(s): 1

HEARING - INITIAL APPEARANCE SCHEDULED FOR 03/25/2008 @ 1:00 in Room No. 7

NOTICE TO PARTIES/COUNSEL

02/25/2008 BAIL BOND - \$200.00 CASH BAIL BOND FILED ON 02/25/2008

Bail Receipt Type: CR

Bail Amt: \$200

Receipt Type: CK

Date Bailed: 02/24/2008

Prvdr Name: MELISSA M YARGEALI

Rtrn Name: MELISSA M YARGEALI

3RD PARTY WITH COND.BO

BAIL DISBURSEMENT ON 04/15/2008

Check No. 14989 Check Amount: 200.00

Paid To: MELISSA M YARGEAU

FORWARDED TO BAIL PROVIDER

02/28/2008 MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 02/27/2008

03/03/2008 Charge(s): 1

SUPPLEMENTAL FILING - COMPLAINT FILED ON 02/29/2008

RS

03/04/2008 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 03/03/2008

THOMAS D WARREN , JUSTICE

COPY TO PARTIES/COUNSEL

03/04/2008 Party(s): MISTY M HANLON

ATTORNEY - APPOINTED ORDERED ON 03/03/2008

Attorney: FRAYLA SCHOENFELD

03/26/2008 Charge(s): 1

HEARING - INITIAL APPEARANCE CONTINUED ON 03/25/2008  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE

03/26/2008 Charge(s): 1

HEARING - INITIAL APPEARANCE SCHEDULED FOR 04/15/2008 @ 1:00 in Room No. 7

NOTICE TO PARTIES/COUNSEL

RS

03/26/2008 Charge(s): 1

HEARING - INITIAL APPEARANCE NOTICE SENT ON 03/25/2008

04/15/2008 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 04/15/2008

Date Bailed: 02/24/2008  
3RD PARTY WITH COND.BO  
BAIL DISBURSEMENT ON 04/15/2008  
Check No. 14989 Check Amount: 200.00  
Paid To: MELISSA M YARGEAU  
FORWARDED TO BAIL PROVIDER

04/15/2008 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 04/15/2008

Date Bailed: 02/24/2008  
3RD PARTY WITH COND.BO  
BAIL DISBURSEMENT ON 04/15/2008  
Check No. 14989 Check Amount: 200.00  
Paid To: MELISSA M YARGEAU  
FORWARDED TO BAIL PROVIDER

04/15/2008 BAIL BOND - PR BAIL BOND FILED ON 04/15/2008

Date Bailed: 04/15/2008  
SEE CONDITIONS; DE

04/15/2008 BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 04/15/2008

Date Bailed: 02/24/2008  
3RD PARTY WITH COND.BO  
BAIL DISBURSEMENT ON 04/15/2008  
Check No. 14989 Check Amount: 200.00  
Paid To: MELISSA M YARGEAU  
FORWARDED TO BAIL PROVIDER

04/18/2008 Charge(s): 1

HEARING - INITIAL APPEARANCE HELD ON 04/15/2008  
NANCY MILLS , JUSTICE  
Attorney: FRAYLA SCHOENFELD  
DA: MATTHEW TICE  
Defendant Present in Court

NEW BAIL SET.

RS

04/18/2008 Charge(s): 1

HEARING - STATUS CONFERENCE SCHEDULED FOR 05/27/2008 @ 1:00 in Room No. 7

RS

04/18/2008 BAIL BOND - PR BAIL BOND SET BY COURT ON 04/15/2008  
NANCY MILLS , JUSTICE  
WITH CONDITIONS.

RS

05/14/2008 Charge(s): 1  
SUPPLEMENTAL FILING - INDICTMENT FILED ON 05/09/2008

05/14/2008 Charge(s): 1  
HEARING - ARRAIGNMENT SCHEDULED FOR 05/27/2008 @ 1:00 in Room No. 7

05/14/2008 Charge(s): 1  
HEARING - ARRAIGNMENT NOTICE SENT ON 05/13/2008  
STEPHANIE TARANTINO , ASSISTANT CLERK

05/23/2008 Charge(s): 1  
HEARING - STATUS CONFERENCE NOT HELD ON 05/09/2008

DEFENDNT INDICTED.

05/28/2008 Charge(s): 1  
HEARING - ARRAIGNMENT HELD ON 05/27/2008  
WILLIAM BRODRICK , JUSTICE  
Attorney: FRAYLA SCHOENFELD  
DA: DEBORAH CHMIELEWSKI  
Defendant Present in Court

READING WAIVED. DEFENDANT INFORMED OF CHARGES. COPY OF INDICTMENT/INFORMATION GIVEN TO  
DEFENDANT. 21 DAYS TO FILE MOTIONS. SAME BAIL CONTINUED. TAPE #2943.

RS

05/28/2008 Charge(s): 1  
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 05/27/2008

05/28/2008 BAIL BOND - PR BAIL BOND CONTINUED AS POSTED ON 05/27/2008  
WILLIAM BRODRICK , JUSTICE  
WITH CONDITIONS.

RS

05/28/2008 TRIAL - DOCKET CALL SCHEDULED FOR 08/08/2008 @ 8:30 in Room No. 11

RS

07/18/2008 TRIAL - DOCKET CALL NOTICE SENT ON 07/18/2008

JH

08/08/2008 TRIAL - DOCKET CALL HELD ON 08/08/2008  
PENNY MOORE , ASSISTANT CLERK-E  
Reporter: KATHLEEN CASEY

JH

08/08/2008 Charge(s): 1  
TRIAL - JURY TRIAL SCHEDULED FOR 09/22/2008 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

08/08/2008 Charge(s): 1  
TRIAL - JURY TRIAL NOTICE SENT ON 08/08/2008

JH

09/25/2008 Charge(s): 1  
TRIAL - JURY TRIAL NOT HELD ON 09/22/2008

TSK  
09/25/2008 TRIAL - JURY TRIAL SCHEDULED FOR 10/06/2008 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL  
09/25/2008 TRIAL - JURY TRIAL NOTICE SENT ON 09/25/2008 TSK

09/25/2008 MOTION - MOTION IN LIMINE FILED BY DEFENDANT ON 09/22/2008

11/05/2008 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 01/14/2009 @ 8:30 in Room No. 7

MRP  
11/05/2008 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 11/05/2008

11/05/2008 TRIAL - JURY TRIAL SCHEDULED FOR 02/02/2009 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

MRP  
11/07/2008 TRIAL - JURY TRIAL FTA ON 10/06/2008  
ROLAND A COLE , JUSTICE  
Reporter: DIANE MCMANUS  
TSK

11/07/2008 WARRANT - FOR FAILURE TO APPEAR ORDERED ON 10/06/2008  
ROLAND A COLE , JUSTICE  
TSK

11/07/2008 BAIL BOND - \$1,000.00 CASH BAIL BOND SET BY COURT ON 10/06/2008  
ROLAND A COLE , JUSTICE  
NO 3RD PARTY TSK

11/07/2008 WARRANT - FOR FAILURE TO APPEAR ISSUED ON 11/07/2008

CERTIFIED COPY TO WARRANT REPOSITORY  
12/18/2008 WARRANT - FOR FAILURE TO APPEAR EXECUTED ON 12/14/2008 @ 11:19

Officer: RAYMOND RUBY  
12/18/2008 WARRANT - FOR FAILURE TO APPEAR RETURNED ON 12/15/2008  
BETH ALWARD , ASSISTANT CLERK

12/19/2008 MOTION - MOTION TO AMEND BAIL FILED BY DEFENDANT ON 12/19/2008

EXPEDITED MOTION TO AMEND BAIL. #636  
12/19/2008 HEARING - MOTION TO AMEND BAIL SCHEDULED FOR 12/23/2008 @ 8:30 in Room No. 7

NOTICE TO PARTIES/COUNSEL EXPEDITED  
MOTION. #636  
12/19/2008 HEARING - MOTION TO AMEND BAIL NOTICE SENT ON 12/19/2008  
LISA MAHAN , ASSOCIATE CLERK

12/23/2008 HEARING - MOTION TO AMEND BAIL NOT HELD ON 12/23/2008

MOTION W/DRAWN TSK  
12/23/2008 MOTION - MOTION TO AMEND BAIL WITHDRAWN ON 12/23/2008

TSK  
12/26/2008 Charge(s): 1  
HEARING - ARRAIGNMENT SCHEDULED FOR 01/05/2009 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

12/26/2008 BAIL BOND - \$1,000.00 CASH BAIL BOND FILED ON 12/22/2008

Bail Receipt Type: CR

Bail Amt: \$1,000

Receipt Type: CK

Date Bailed: 12/18/2008

Prvdr Name: MISTY M HANLON

Rtrn Name:

#636

01/05/2009 Charge(s): 1

HEARING - ARRAIGNMENT NOT HELD ON 01/05/2009

PAUL E EGGERT , JUDGE

DISTRICT COURT TAPE 1190

01/12/2009 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 01/14/2009 in Room No. 7

01/16/2009 HEARING - DISPOSITIONAL CONFERENCE HELD ON 01/14/2009

JEFF MOSKOWITZ , JUDGE

SET FOR TRIAL

01/16/2009 TRIAL - JURY TRIAL NOTICE SENT ON 01/16/2009

01/27/2009 TRIAL - JURY TRIAL HELD ON 01/14/2009

JEFF MOSKOWITZ , JUDGE

01/30/2009 HEARING - DISPOSITIONAL CONFERENCE HELD ON 01/30/2009

01/30/2009 TRIAL - JURY TRIAL SCHEDULED FOR 02/02/2009 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

02/03/2009 OTHER FILING - WITNESS LIST FILED BY STATE ON 02/02/2009

DA: MEGIN ELAM

JH

02/03/2009 OTHER FILING - WITNESS LIST FILED BY DEFENDANT ON 02/02/2009

Attorney: FRAYLA SCHOENFELD

JH

02/03/2009 JURY FILING - PROPOSED JURY INSTRUCTIONS FILED BY DEFENDANT ON 02/02/2009

Attorney: FRAYLA SCHOENFELD

02/03/2009 JURY FILING - PROPOSED VOIR DIRE FILED BY DEFENDANT ON 02/02/2009

02/03/2009 MOTION - MOTION IN LIMINE FILED BY DEFENDANT ON 02/02/2009

Attorney: FRAYLA SCHOENFELD

02/04/2009 Charge(s): 1

TRIAL - JURY TRIAL SELECTED ON 02/02/2009

JEFF MOSKOWITZ , JUDGE

Attorney: FRAYLA SCHOENFELD

DA: MEGIN ELAM

Reporter: TAMMY DROUIN

Defendant Present in Court

CASE CONTINUED TO 2/3/09 AT 9:00 A.M.

JH

02/04/2009 Charge(s): 1



TRIAL - JURY TRIAL HELD ON 02/03/2009  
JEFF MOSKOWITZ , JUDGE  
Attorney: FRAYLA SCHOENFELD  
DA: MEGIN ELAM Reporter: KIMBERLY MCCULLOCH  
Defendant Present in Court

JURY SWORN. INDICTMENT READ. TRIAL BEGINS. OPENING STATEMENTS MADE. STATE'S WITNESSES: 1) ANDJIEKO NAPIJALO, 2) ALEKSANDAR SIMAIC. DEFENDANT MOVES FOR JUDGMENT OF ACQUITTAL: DENIED. DEFENDANT'S WITNESSES: 1) MELISSA YARGEAU. CLOSING ARGUMENTS HAD. JURY INSTRUCTED AND CHARGED. JURY RETIRES TO DELIBERATE. VERDICT.

02/04/2009 Charge(s): 1  
VERDICT - GUILTY RETURNED ON 02/03/2009 @ 4:20 in Room No. 11

02/04/2009 Charge(s): 1  
FINDING - GUILTY ENTERED BY COURT ON 02/03/2009  
JEFF MOSKOWITZ , JUDGE

02/04/2009 Charge(s): 1  
FINDING - GUILTY CONT FOR SENTENCING ON 02/03/2009

02/04/2009 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 02/03/2009

02/04/2009 HEARING - SENTENCE HEARING SCHEDULED FOR 02/23/2009 @ 9:00 in Room No. 8  
JEFF MOSKOWITZ , JUDGE  
NOTICE TO PARTIES/COUNSEL

02/04/2009 HEARING - SENTENCE HEARING NOTICE SENT ON 02/04/2009

JH

02/11/2009 Charge(s): 1  
MOTION - MOTION FOR NEW TRIAL FILED BY DEFENDANT ON 02/10/2009

PRO-SE MOTION.

JH

02/11/2009 Charge(s): 1  
APPEAL - NOTICE OF APPEAL FILED ON 02/10/2009

02/11/2009 Charge(s): 1  
APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 02/11/2009

KIMBERLY MCCULLOCH, COURT REPORTER.

JH

02/11/2009 Charge(s): 1  
APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 02/11/2009

JH

02/11/2009 NOTE - OTHER CASE NOTE ENTERED ON 02/11/2009

LAW COURT NOTIFIED THAT CASE TO BE SENTENCED ON 2/23/09.

JH

02/11/2009 Charge(s): 1  
NOTE - OTHER CASE NOTE ENTERED ON 02/10/2009

ORIGINAL FILE SENT TO JUDGE MOSKOWITZ.

JH

02/11/2009 Charge(s): 1  
MOTION - MOTION FOR NEW TRIAL DENIED ON 02/11/2009  
JEFF MOSKOWITZ , JUDGE  
COPIES TO PARTIES/COUNSEL

JH

03/05/2009 HEARING - SENTENCE HEARING SCHEDULED FOR 04/13/2009 @ 8:30 in Room No. 7  
JEFF MOSKOWITZ , JUDGE  
NOTICE TO PARTIES/COUNSEL

03/05/2009 HEARING - SENTENCE HEARING NOTICE SENT ON 03/05/2009

ST

03/09/2009 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 03/09/2009

Date Bailed: 12/18/2008

#636

03/09/2009 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 03/09/2009

Date Bailed: 04/15/2008

SEE CONDITIONS; DE

03/09/2009 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 03/09/2009

Date Bailed: 12/18/2008

#636

03/09/2009 BAIL BOND - PR BAIL BOND RELEASE ACKNOWLEDGED ON 03/09/2009

Date Bailed: 04/15/2008

SEE CONDITIONS; DE

03/12/2009 HEARING - SENTENCE HEARING NOT HELD ON 03/12/2009

03/12/2009 HEARING - SENTENCE HEARING SCHEDULED FOR 03/18/2009 @ 3:00 in Room No. 8  
JEFF MOSKOWITZ , JUDGE

03/12/2009 HEARING - SENTENCE HEARING NOT HELD ON 03/12/2009

03/12/2009 Charge(s): 1

TRIAL - JURY TRIAL HELD ON 02/02/2009

03/12/2009 HEARING - SENTENCE HEARING NOTICE SENT ON 03/12/2009

03/18/2009 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 03/18/2009

03/23/2009 HEARING - SENTENCE HEARING HELD ON 03/18/2009

JEFF MOSKOWITZ , JUDGE

Attorney: FRAYLA SCHOENFELD

DA: MEGIN ELAM

Defendant Present in Court

TAPE #3139/INDEX #1001

JH

03/23/2009 Charge(s): 1

RULING - ORIGINAL ORDERED ON 03/18/2009

It is adjudged that the defendant is guilty of 1 OPERATE AFTER HABITUAL OFFENDER REVOCATION 3  
PRIOR 29-A 2557-A(2)(D) Class C as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 3 year(s).

Charge #1: It is ordered that the defendant forfeit and pay the sum of \$ 1,000.00 as a  
fine to the clerk of the court, plus applicable surcharges and assessments.

10% GOV'T OPERATION SURCHARGE FUND \$ 100.00  
\$ 25 VICTIMS COMPENSATION FUND  
100% GENERAL FUND \$ 1000.00  
1% COUNTY JAIL \$ 10.00  
5% GENERAL FUND ADDL 5% SURCHARGE \$ 50.00  
3% MAINE CRIMINAL JUSTICE ACADEMY 2006 \$ 30.00  
1% MSP COMPUTER CRIMES \$ 10.00  
**TOTAL DUE:\$ 1,225.00.**

03/23/2009 Charge(s): 1  
RULING - ORIGINAL ISSUED ON 03/18/2009

DEFENDANT ACKNOWLEDGES RECEIPT

03/23/2009 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 03/23/2009

INSTALLMENT PYMTS: 0.00; WEEKLY:F; BI-WEEKLY:F; MONTHLY:F; BI-MONTHLY:F; PYMT  
BEGIN: AT 0000; PYMT IN FULL:20140315 AT 0000; THRU PPO:F; SSN:007769373; PYMT  
DUE AMT: 1,089.93; PMT DUE:20140315 AT 0000; OTHER:

03/23/2009 MOTION - MOTION IN LIMINE MOOT ON 03/23/2009

03/23/2009 TRIAL - JURY TRIAL HELD ON 02/03/2009

03/23/2009 MOTION - MOTION IN LIMINE MOOT ON 03/23/2009

03/23/2009 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 03/23/2009

03/23/2009 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 03/23/2009

03/23/2009 LETTER - FROM PARTY FILED ON 03/23/2009

LETTER FROM DEFENDANT.

JH

03/23/2009 Charge(s): 1  
APPEAL - NOTICE OF APPEAL FILED ON 03/23/2009

PRO-SE APPEAL FILED. NO TRANSCRIPT ORDER FILED AS INDICATED. TRANSCRIPT ORDER ENT TO  
DEFENDANT.

JH

03/27/2009 MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED BY COUNSEL ON 03/24/2009

04/02/2009 Charge(s): 1  
APPEAL - NOTICE OF APPEAL FILED ON 03/31/2009

SECOND APPEAL FILED BY COUNSEL.

JH

04/02/2009 Charge(s): 1  
MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 03/31/2009

JH

04/02/2009 MOTION - MOTION FOR NEW TRIAL FILED BY DEFENDANT ON 03/23/2009

PRO-SE MOTION.

JH

04/06/2009 MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 04/02/2009

Attorney: FRAYLA SCHOENFELD

JH

04/06/2009 APPEAL - NOTICE OF APPEAL FILED ON 04/02/2009

Attorney: FRAYLA SCHOENFELD  
JH

04/06/2009 Charge(s): 1  
APPEAL - RECORD ON APPEAL DUE IN LAW COURT ON 04/13/2009

JH

04/13/2009 MOTION - MOTION FOR NEW TRIAL DENIED ON 04/06/2009

JEFF MOSKOWITZ , JUDGE  
COPIES TO PARTIES/COUNSEL.

JH

04/13/2009 Charge(s): 1

MOTION - MOTION TO PREPARE TRANSCRIPT GRANTED ON 04/06/2009  
JEFF MOSKOWITZ , JUDGE  
COPY SENT TO TAMMY DROUIN AND KIMBERLY MCCULLOCH, COURT REPORTERS. COPY SENT TO ELECTRONIC  
RECORDING DIVISION. JH

04/13/2009 MOTION - MOTION TO PREPARE TRANSCRIPT GRANTED ON 04/06/2009

JEFF MOSKOWITZ , JUDGE

04/13/2009 APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 04/13/2009

04/13/2009 Charge(s): 1

APPEAL - RECORD ON APPEAL SENT TO LAW COURT ON 04/13/2009

JH

05/01/2009 OTHER FILING - COUNSEL VOUCHER FILED ON 04/28/2009

05/01/2009 OTHER FILING - \$2,427.00 COUNSEL VOUCHER APPROVED ON 04/30/2009

THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE

Attorney: FRAYLA SCHOENFELD

48.4 HRS AND \$7 EXPENSES

5/1 SENT TO AOC

05/11/2009 MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED BY COUNSEL ON 04/13/2009

Attorney: FRAYLA SCHOENFELD

05/11/2009 MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 04/15/2009

JEFF MOSKOWITZ , JUDGE

COPIES TO PARTIES/COUNSEL

JH

05/11/2009 CASE STATUS - CASE FILE LOCATION ON 05/11/2009

CASE IN LAW COURT PENDING APPEAL. LAW COURT #09-165

JH

05/19/2009 OTHER FILING - OTHER DOCUMENT FILED ON 05/11/2009

INDIGENCY AFFIDAVIT FILED.

JH

05/20/2009 Party(s): MISTY M HANLON

ATTORNEY - APPOINTED ORDERED ON 05/19/2009

Attorney: VANESSA BARTLETT

05/20/2009 Charge(s): 1

MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 05/19/2009

PAUL E EGGERT , JUDGE

COPIES TO PARTIES/COUNSEL

JH

05/20/2009 NOTE - OTHER CASE NOTE ENTERED ON 05/20/2009

ATTESTED COPY OF DOCKET SENT TO THE LAW COURT.

JH

07/30/2009 Charge(s): 1  
APPEAL - RECORD ON APPEAL RECVD FROM LAW COURT ON 07/30/2009

07/30/2009 Charge(s): 1  
APPEAL - MANDATE/ORDER DISMISSED ON 07/17/2009

08/27/2009 Charge(s): 1  
MOTION - MOTION FOR CORR/REDUCE SNTC FILED BY DEFENDANT ON 08/25/2009

Attorney: MARY DAVIS  
JH

08/27/2009 OTHER FILING - OTHER DOCUMENT FILED ON 08/26/2009

DA: JULIA SHERIDAN  
JH

10/06/2009 HEARING - OTHER HEARING SCHEDULED FOR 10/16/2009 @ 8:30 in Room No. 11  
JEFF MOSKOWITZ , JUDGE  
NOTICE TO PARTIES/COUNSEL

10/06/2009 HEARING - OTHER HEARING NOTICE SENT ON 10/06/2009

10/16/2009 HEARING - OTHER HEARING HELD ON 10/16/2009  
JEFF MOSKOWITZ , JUDGE  
Attorney: JULIA SHERIDAN  
DA: MARY DAVIS  
AFTER HEARING MOTION IS GRANTED

TAPE 3437

10/16/2009 Charge(s): 1  
MOTION - MOTION FOR CORR/REDUCE SNTC GRANTED ON 10/16/2009  
JEFF MOSKOWITZ , JUDGE  
COPIES TO PARTIES/COUNSEL

MOTION TO CORRECT SENTENCE IS  
GRANTED. THE CLERK IS REQUESTED TO SCHEDULE THIS MATTER FOR RESENTENCING AT THE EARLIEST  
CONVENIENT TIME.

10/16/2009 ORDER - COURT ORDER ENTERED ON 10/16/2009  
JEFF MOSKOWITZ , JUDGE  
ORDER ON DEF'S MOTION TO CORRECT SENTENCE FILED. COPIES SENT TO ALL PARTIES.

10/16/2009 CASE STATUS - CASE FILE LOCATION ON 10/16/2009

CASE ON MARIAH'S DESK TO SCHEDULE SENTENCING HEARING WITH JUDGE MOSKOWITZ

10/20/2009 ORDER - COURT ORDER ENTERED ON 10/16/2009  
JEFF MOSKOWITZ , JUDGE

### Receipts

04/06/2009	Case Payment	\$14.32	CK	paid.
06/15/2009	Case Payment	\$22.50	CK	paid.
06/22/2009	Case Payment	\$50.00	CK	paid.
07/06/2009	Case Payment	\$7.25	CK	paid.
09/03/2009	Case Payment	\$28.75	CK	paid.
09/24/2009	Case Payment	\$7.25	CK	paid.
10/08/2009	Case Payment	\$5.00	CK	paid.

### Exhibits

02/03/2009 STATE, Exhibit#1, STATE CERTIFICATION, Adm w/o obj on 02/03/2009.

02/03/2009 STATE, Exhibit#2, CD OF STOP, Adm w/o obj on 02/03/2009.

**FINE PAYMENT SCHEDULE**

Execution/payment stayed to pay in full by 03/15/2014 or warrant to issue.

A TRUE COPY

ATTEST: \_\_\_\_\_

Clerk