

State v. Alcantara, CR-09-5485 (Unified Criminal Docket – Cumberland)

Defendant John Alcantara has renewed his motion for post conviction bail.

Because of Alcantara's record, his multiple bail violation convictions, and his conviction for failure to report, the court – as it has stated – has not been able to find probable cause to believe that there is no substantial risk he would fail to appear as required, that there is no substantial risk that he would pose a danger to the community (by again operating under the influence), and that there is no substantial risk that he will commit new criminal conduct.<sup>1</sup>

However, the court had informed Alcantara's appellate counsel that it would reconsider the above issues if it determined that Alcantara had very strong arguments to present on appeal. However, Alcantara's renewed motion does not present arguments that are sufficient to cause the court to reconsider.

First, the court does not have the benefit of the suppression hearing record or the factual findings that the suppression judge apparently dictated into the record on December 3, 2009. See Decision and Order dated December 4, 2009 (Beaudoin, J.). However, the arguments presented by Alcantara in his renewed motion do not convince the court that Alcantara has a strong argument that he was in custody for Miranda purposes<sup>2</sup> when he made statements to the officer who was investigating the circumstances of the vehicle that had left the roadway.

Second, Alcantara argues that even though his trial counsel stipulated to Alcantara's two prior convictions at trial, there is a jurisdictional defect in the indictment because one of the two prior convictions in the indictment is described as a prior conviction for OUI on May 30, 2003 in docket number 02-305. The court's records indicate that Alcantara was indeed convicted of OUI on May 30, 2003 but that the docket number was 03-305.

The indictment alleged the requisite elements of the offenses – that Alcantara operated under the influence and while under revocation and that he had two prior convictions for OUI within the preceding 10 years. See 29-A M.R.S. § 2411(1-A)(B)(3) (elements of Class C OUI), § 2557-A(2)(C)(2) elements of Class C OAR). Where the fact of the conviction and its date have been correctly alleged, the docket number of the prior conviction is not an element of the offense and an incorrect docket number does not constitute a jurisdictional defect that would give Alcantara a strong argument on appeal given that he stipulated to the two prior convictions at trial.

Alcantara's remaining arguments relate to an alleged flaw in the notice informing him of his revocation as a habitual offender. First, even if there was a flaw in the address to which the notice was sent, the State could still have proved actual notice. This issue became moot once Alcantara stipulated to notice at trial. Second, Alcantara

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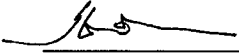
<sup>1</sup> Alcantara's attitude at sentencing also weighed against the court's ability to make the necessary findings for post conviction bail.

<sup>2</sup> Specifically, that he was restrained to a degree associated with formal arrest. State v. Michaud, 1998 ME 251, ¶4, 724 A.2d 1222, 1226.

received concurrent sentences on the Class C OUI and the Class C HO so even a successful attack on the HO conviction would not change his sentence.<sup>3</sup>

Defendant's renewed motion for postconviction bail is not sufficient to cause the court to reconsider its earlier ruling.

Dated: May 4, 2010

  
\_\_\_\_\_  
Thomas D. Warren  
Justice, Superior Court

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<sup>3</sup> In addition, Alcantara's arguments with respect to his Class C HO conviction refer to possible future proceedings for a new trial and/or postconviction relief. The court is not prepared to consider postconviction bail with respect to postconviction petitions or motions for a new trial that have not been filed.

STATE OF MAINE  
vs  
JOHN M ALCANTARA  
57 CONSTITUTION DRIVE  
WESTBROOK ME 04092

A True Copy  
Judy A. Bangert  
Clerk of Courts

Docket No CUMCD-CR-2009-05485

DOCKET RECORD

DOB: 07/26/1976

Attorney: ROBERT LEVINE  
17 SOUTH STREET  
PORTLAND ME 04101  
APPOINTED 02/24/2010

State's Attorney: STEPHANIE ANDERSON

Charge(s)

1 OPERATING UNDER THE INFLUENCE-2 PRIORS 07/03/2009 FALMOUTH  
Seq 11170 29-A 2411(1-A)(B)(2) Class C  
COTE / CUM

2 AGGRAVATED OPERATING AFTER HO REVOCATION, 07/03/2009 FALMOUTH  
PRIORS  
Seq 11192 29-A 2558 Class C  
COTE / CUM

Docket Events:

07/14/2009 FILING DOCUMENT - CASH BAIL BOND FILED ON 07/07/2009

07/14/2009 Charge(s): 1,2

HEARING - ARRAIGNMENT SCHEDULED FOR 08/12/2009 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

07/14/2009 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 07/07/2009

Bail Receipt Type: CR

Bail Amt: \$500

Receipt Type: CK

Date Bailed: 07/03/2009

Prvdr Name: JUDITH ALCANTARA

Rtrn Name: JUDITH ALCANTARA

\$253.00 IS THIRD PARTY. \$247.00 IS DEFENDANTS 837

BAIL DISBURSEMENT ON 03/15/2010

Check No. 2425 Check Amount: 253.00

Paid To: JUDITH ALCANTARA

FORWARDED TO BAIL PROVIDER

08/07/2009 Charge(s): 1,2

SUPPLEMENTAL FILING - COMPLAINT FILED ON 08/07/2009

JAMES TURCOTTE, ASSISTANT CLERK

08/11/2009 Party(s): JOHN M ALCANTARA

ATTORNEY - RETAINED ENTERED ON 08/10/2009

Attorney: NEAL STILLMAN

08/12/2009 Charge(s): 1,2

HEARING - ARRAIGNMENT WAIVED ON 08/12/2009

MARYGAY KENNEDY, JUDGE

08/12/2009 Charge(s): 1,2

PLEA - NOT GUILTY ENTERED BY COUNSEL ON 08/12/2009  
MARYGAY KENNEDY , JUDGE

08/12/2009 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 11/03/2009 @ 9:30 in Room No. 7

08/12/2009 Charge(s): 1,2  
TRIAL - JURY TRIAL SCHEDULED FOR 12/07/2009 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

08/12/2009 Charge(s): 1,2  
TRIAL - JURY TRIAL NOTICE SENT ON 08/12/2009

08/12/2009 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 10/15/2009

10/07/2009 Charge(s): 1,2  
SUPPLEMENTAL FILING - INDICTMENT FILED ON 09/11/2009  
JAMES TURCOTTE , ASSISTANT CLERK

10/07/2009 Charge(s): 1,2  
HEARING - ARRAIGNMENT HELD ON 10/07/2009 @ 8:30 in Room No. 1  
JOYCE A WHEELER , JUSTICE  
DA: ROBERT ELLIS  
DEFENDANT INFORMED OF CHARGES. 21 DAYS TO FILE MOTIONS

10/07/2009 Charge(s): 1,2  
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 10/07/2009 @ 8:30 in Room No. 1  
JOYCE A WHEELER , JUSTICE  
DA: ROBERT ELLIS

10/14/2009 NOTE - OTHER CASE NOTE ENTERED ON 10/14/2009

ORIGINAL INDICTMENT ENTERED IN ERROR IN 09-7219. INDICTMENT IS NOW IN 09-5485.

JH

10/26/2009 MOTION - MOTION TO REVOKE BAIL FILED BY STATE ON 10/26/2009

10/28/2009 MOTION - MOTION TO REVOKE BAIL GRANTED ON 10/26/2009  
THOMAS D WARREN , JUSTICE  
COPY TO PARTIES/COUNSEL

10/28/2009 BAIL BOND - \$500.00 CASH BAIL BOND SET BY COURT ON 10/26/2009  
THOMAS D WARREN , JUSTICE  
\$500 CASH BAIL (\$250 ALREADY POSTED) ADDITIONAL \$250 FORFEITED

10/30/2009 BAIL BOND - \$250.00 CASH BAIL BOND FILED ON 10/29/2009

Bail Receipt Type: CR  
Bail Amt: \$250

Date Bailed: 10/26/2009

Receipt Type: CK  
Prvdr Name: JOHN ALCANTARA  
Rtrn Name:

#636

10/30/2009 BAIL BOND - CASH BAIL BOND COND RELEASE ISSUED ON 10/26/2009  
THOMAS D WARREN , JUSTICE

10/30/2009 NOTE - OTHER CASE NOTE ENTERED ON 10/30/2009

BOTH BAIL BONDS STAY IN EFFECT.

11/03/2009 Charge(s): 1,2

HEARING - DISPOSITIONAL CONFERENCE HELD ON 11/03/2009  
JOYCE A WHEELER , JUSTICE  
JURY SELECTION 12-7-09

11/05/2009 Charge(s): 1,2  
MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 11/04/2009

11/05/2009 Charge(s): 1,2  
HEARING - MOTION TO SUPPRESS SCHEDULED FOR 11/12/2009 @ 1:00 in Room No. 8

NOTICE TO PARTIES/COUNSEL

11/05/2009 Charge(s): 1,2  
HEARING - MOTION TO SUPPRESS NOTICE SENT ON 11/05/2009

11/12/2009 Charge(s): 1,2  
HEARING - MOTION TO SUPPRESS CONTINUED ON 11/12/2009  
ROLAND BEAUDOIN , JUDGE

11/12/2009 MOTION - MOTION TO CONTINUE FILED BY STATE ON 11/12/2009

DA: ANGELA CANNON

11/12/2009 MOTION - MOTION TO CONTINUE GRANTED ON 11/12/2009  
ROLAND BEAUDOIN , JUDGE  
COPY TO PARTIES/COUNSEL

11/12/2009 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 12/03/2009 @ 1:00 in Room No. 8

NOTICE TO PARTIES/COUNSEL

11/12/2009 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 11/12/2009

JH

12/04/2009 HEARING - MOTION TO SUPPRESS HELD ON 12/03/2009  
ROLAND BEAUDOIN , JUDGE

12/09/2009 Charge(s): 1,2  
TRIAL - JURY TRIAL CONTINUED ON 12/08/2009  
JOYCE A WHEELER , JUSTICE  
Reporter: TIMOTHY THOMPSON  
NOT ENOUGH JURORS.

JH

12/09/2009 Charge(s): 1,2  
TRIAL - JURY TRIAL SCHEDULED FOR 01/25/2010 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

12/09/2009 Charge(s): 1,2  
TRIAL - JURY TRIAL NOTICE SENT ON 12/09/2009

JH

01/26/2010 Charge(s): 1,2  
TRIAL - JURY TRIAL SELECTED ON 01/25/2010 in Room No. 11  
THOMAS D WARREN , JUSTICE  
Attorney: NEAL STILLMAN  
DA: ANGELA CANNON Reporter: KATHLEEN CASEY  
Defendant Present in Court

CASE CONTINUED TO 1/28/10.

JH

01/26/2010 Charge(s): 1,2  
TRIAL - JURY TRIAL NOT HELD ON 01/25/2010

01/26/2010 OTHER FILING - WITNESS LIST FILED BY STATE ON 01/25/2010

DA: ANGELA CANNON  
JH

01/26/2010 OTHER FILING - WITNESS LIST FILED BY DEFENDANT ON 01/25/2010

Attorney: NEAL STILLMAN  
JH

01/26/2010 Charge(s): 1,2

TRIAL - JURY TRIAL SCHEDULED FOR 01/29/2010 @ 9:00 in Room No. 11  
PAUL E EGGERT , JUDGE  
NOTICE TO PARTIES/COUNSEL

01/29/2010 Charge(s): 1,2

TRIAL - JURY TRIAL HELD ON 01/29/2010  
THOMAS D WARREN , JUSTICE  
Attorney: NEAL STILLMAN

DA: ANGELA CANNON Reporter: KATHLEEN CASEY  
STIPULATIONS ON THE RECORD WITH OUT THE JURY. TRIAL BEGINS. JURY SWORN. INDICTMENT READ.  
STATE'S OPENING STATEMENTS MADE, DEFENDANT DEFERS RIGHT. STATE WITNESS HEARD. EXHIBIT 1  
MOA W/O OBJECTION. STATE RESTS. DEFENDANT'S MOTION FOR JUDGEMENT OF ACQUITTAL DENIED.  
DEFENENDANT'S OPENING STATEMENTS MADE. DEFENDANT'S WINESSES HEARD. DEFENSE RESTS. STATE  
RESTS FINALLY. RENEWED MOTION FOR JUDGMENT OF ACQUITAL DENIED. STATE CLOSINGS. DEFENDANTS  
CLOSINGS. JURY INSTRUCTED & CHARGED JRY RETIRES TO DELIBERAT

01/29/2010 Charge(s): 1,2

VERDICT - GUILTY RETURNED ON 01/29/2010

02/01/2010 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 01/29/2010

THOMAS D WARREN , JUSTICE

02/01/2010 BAIL BOND - NO BAIL ALLOWED COND RELEASE ISSUED ON 01/29/2010

02/01/2010 Charge(s): 1,2

FINDING - GUILTY CONT FOR SENTENCING ON 01/29/2010  
THOMAS D WARREN , JUSTICE

02/04/2010 HEARING - SENTENCE HEARING SCHEDULED FOR 02/12/2010 @ 2:30 in Room No. 7

THOMAS D WARREN , JUSTICE

02/04/2010 HEARING - SENTENCE HEARING NOTICE SENT ON 02/04/2010

02/04/2010 CASE STATUS - CASE FILE LOCATION ON 02/04/2010

MARIAHS SHELF

02/17/2010 CASE STATUS - CASE FILE RETURNED ON 02/12/2010

02/17/2010 HEARING - SENTENCE HEARING HELD ON 02/12/2010

THOMAS D WARREN , JUSTICE

Attorney: NEAL STILLMAN

DA: ANGELA CANNON

Defendant Present in Court

TAPE #3654

02/17/2010 Charge(s): 1

RULING - ORIGINAL ORDERED ON 02/12/2010

It is adjudged that the defendant is guilty of 1 OPERATING UNDER THE INFLUENCE-2 PRIORS 29-A 2411(1-A)(B)(2) Class C as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 3 year(s) 9 month(s).

It is ordered that all but 1 year(s) 10 month(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 2 year(s) upon conditions attached hereto and incorporated by reference herein.

Said Probation to commence after completion of the unsuspended term of imprisonment.

It is ordered that the defendant's motor vehicle operator's license or permit to operate, right to operate and right to apply for and obtain a license is suspended for a period of 6 year(s). The defendant's right to register a motor vehicle is suspended.

Charge #1: It is ordered that the defendant forfeit and pay the sum of \$ 1,100.00 as a fine to the clerk of the court, plus applicable surcharges and assessments.

10% GOV'T OPERATION SURCHARGE FUND \$ 110.00  
\$ 25 VICTIMS COMPENSATION FUND  
100% GENERAL FUND \$ 1100.00  
\$ 30 DEPARTMENT OF TRANSPORTATION FINES  
1% COUNTY JAIL \$ 11.00  
5% GENERAL FUND ADDL 5% SURCHARGE \$ 55.00  
3% MAINE CRIMINAL JUSTICE ACADEMY 2006 \$ 33.00  
1% MSP COMPUTER CRIMES \$ 11.00  
**TOTAL DUE:\$ 1,375.00.**

**Special Conditions of Probation:**

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.
7. not possess or use any unlawful drugs and not possess or use alcohol.
8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.

provide a DNA sample as required.

not own, possess or use any firearm or dangerous weapon.

submit to random search and testing for alcohol at the direction of a law enforcement officer.

submit to random search and testing for drugs at the direction of a law enforcement officer.  
submit to random search and testing for firearms at the direction of a law enforcement officer.  
submit to random search and testing for dangerous weapons at the direction of a law enforcement officer.

not operate or attempt to operate any motor vehicle.

not operate or attempt to operate any motor vehicle until properly licensed by the Secretary of State.

NOT TO OWN OR POSSESS ANY MOTOR VEHICLE KEYS. SUBMIT TO RANDOM SEARCHING AND TESTING FOR MOTOR VEHICLE KEYS.

02/17/2010 Charge(s): 2

RULING - ORIGINAL ORDERED ON 02/12/2010

It is adjudged that the defendant is guilty of 2 AGGRAVATED OPERATING AFTER HO REVOCATION, PRIORS 29-A 2558 Class C as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 3 year(s) 9 month(s).

It is ordered that all but 1 year(s) 10 month(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 2 year(s) upon conditions attached hereto and incorporated by reference herein.

Said Probation to commence after completion of the unsuspended term of imprisonment.

It is ordered that the defendant's motor vehicle operator's license or permit to operate, right to operate and right to apply for and obtain a license is suspended for a period of 6 year(s). The defendant's right to register a motor vehicle is suspended.

Charge #2: 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.**

**Special Conditions of Probation:**

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.



6. maintain employment and devote yourself to an approved employment or education program.
7. not possess or use any unlawful drugs and not possess or use alcohol.
8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.

provide a DNA sample as required.

not own, possess or use any firearm or dangerous weapon.

submit to random search and testing for alcohol at the direction of a law enforcement officer.  
submit to random search and testing for drugs at the direction of a law enforcement officer.  
submit to random search and testing for firearms at the direction of a law enforcement officer.  
submit to random search and testing for dangerous weapons at the direction of a law enforcement officer.

not operate or attempt to operate any motor vehicle.

not operate or attempt to operate any motor vehicle until properly licensed by the Secretary of State.

NOT TO OWN OR POSSESS ANY MOTOR VEHICLE KEYS. SUBMIT TO RANDOM SEARCHING AND TESTING FOR MOTOR VEHICLE KEYS.

02/17/2010 Charge(s): 2

RULING - ORIGINAL ISSUED ON 02/12/2010

DEFENDANT ACKNOWLEDGES RECEIPT

02/17/2010 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 02/17/2010

INSTALLMENT PYMTS: 0.00; WEEKLY:F; BI-WEEKLY:F; MONTHLY:F; BI-MONTHLY:F; PYMT  
BEGIN: AT 0000; PYMT IN FULL:20131101 AT 0000; THRU PPO:F; PYMT DUE AMT:  
2,499.65; PMT DUE:20131101 AT 0000; OTHER:

02/18/2010 Charge(s): 1,2

APPEAL - NOTICE OF APPEAL FILED ON 02/12/2010

02/18/2010 Charge(s): 1,2

APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 02/18/2010

COPY SENT TO KATHLEEN CASEY, COURT REPORTER.

JH

02/18/2010 Charge(s): 1,2

APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 02/18/2010

JH

02/18/2010 Charge(s): 1,2

MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 02/12/2010

INDIGENCY AFFIDAVIT.

JH

02/18/2010 Charge(s): 1,2

MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY DEFENDANT ON 02/12/2010

Attorney: NEAL STILLMAN

02/18/2010 Charge(s): 1,2  
ABSTRACT - BMV ISSUED ON 02/18/2010

JH

02/19/2010 Charge(s): 1,2  
APPEAL - RECORD ON APPEAL DUE IN LAW COURT ON 03/05/2010

02/19/2010 OTHER FILING - OTHER DOCUMENT FILED ON 02/19/2010

NOTICE FOR RECORD FROM THE LAW COURT. LAW COURT #10-89

02/19/2010 CASE STATUS - CASE FILE LOCATION ON 02/18/2010

JH

CASE WITH JUSTICE WARREN.

02/24/2010 CASE STATUS - CASE FILE RETURNED ON 02/24/2010

JH

02/24/2010 Charge(s): 1,2  
MOTION - MOTION TO PREPARE TRANSCRIPT GRANTED ON 02/24/2010  
THOMAS D WARREN , JUSTICE  
COPY SENT TO KATHLEEN CASEY, COURT REPORTER.

02/24/2010 Party(s): JOHN M ALCANTARA  
ATTORNEY - APPOINTED ORDERED ON 02/24/2010

Attorney: ROBERT LEVINE

02/24/2010 Charge(s): 1,2  
MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 02/24/2010  
THOMAS D WARREN , JUSTICE  
COPIES TO PARTIES/COUNSEL

02/24/2010 Charge(s): 1,2  
APPEAL - RECORD ON APPEAL SENT TO LAW COURT ON 02/24/2010

LAW COURT #10-89.

JH

03/31/2010 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 03/31/2010  
LISA MAHAN , ASSOCIATE CLERK  
Date Bailed: 07/03/2009  
\$253.00 IS THIRD PARTY. \$247.00 IS DEFENDANTS 837  
BAIL DISBURSEMENT ON 03/15/2010  
Check No. 2425 Check Amount: 253.00  
Paid To: JUDITH ALCANTARA  
FORWARDED TO BAIL PROVIDER

03/31/2010 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 03/31/2010  
LISA MAHAN , ASSOCIATE CLERK  
Date Bailed: 10/26/2009  
#636

03/31/2010 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 03/31/2010

Date Bailed: 07/03/2009  
\$253.00 IS THIRD PARTY. \$247.00 IS DEFENDANTS 837  
BAIL DISBURSEMENT ON 03/15/2010  
Check No. 2425 Check Amount: 253.00

Paid To: JUDITH ALCANTARA  
FORWARDED TO BAIL PROVIDER

03/31/2010 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 03/31/2010

Date Bailed: 10/26/2009  
#636

04/01/2010 MOTION - MOTION TO AMEND BAIL FILED BY DEFENDANT ON 03/25/2010

04/02/2010 MOTION - OTHER MOTION FILED BY DEFENDANT ON 03/25/2010

MOTION TO SET POST CONVICTION BAIL

04/02/2010 WRIT - HABEAS CORPUS TO PROSECUTE ISSUED ON 04/09/2010 @ 8:30 in Room No. 8

CERTIFIED COPY TO SHERIFF DEPT.

04/02/2010 HEARING - BAIL HEARING SCHEDULED FOR 04/09/2010 @ 10:30 in Room No. 8  
THOMAS D WARREN , JUSTICE  
NOTICE TO PARTIES/COUNSEL

TIME CHANGED DUE TO CONFLICT IN

TIME WITH THE ATTY

04/02/2010 HEARING - BAIL HEARING NOTICE SENT ON 04/02/2010

04/08/2010 LETTER - FROM PARTY FILED ON 04/07/2010

COPY OF LETTER FROM ATTY TO DEFENDANT RE: WRIT

04/09/2010 HEARING - BAIL HEARING HELD ON 04/09/2010  
THOMAS D WARREN , JUSTICE  
Attorney: ROBERT LEVINE  
DA: ANGELA CANNON  
TAPE 1763

04/09/2010 MOTION - MOTION TO AMEND BAIL DENIED ON 04/09/2010  
THOMAS D WARREN , JUSTICE  
COPIES TO PARTIES/COUNSEL

04/09/2010 MOTION - OTHER MOTION DENIED ON 04/09/2010  
THOMAS D WARREN , JUSTICE  
MOTION TO SET POST CONVICTION BAIL

04/30/2010 MOTION - OTHER MOTION FILED BY DEFENDANT ON 04/28/2010

RENEWED MOTION TO SET POST CONVICTION BAIL

05/07/2010 MOTION - OTHER MOTION DENIED ON 05/04/2010  
THOMAS D WARREN , JUSTICE

RENEWED MOTION TO SET POST CONVICTION BAIL

05/07/2010 ORDER - COURT ORDER ENTERED ON 05/04/2010  
THOMAS D WARREN , JUSTICE  
RENEWED MOTION FOR POST CONVICTION BAIL

### Receipts

04/15/2010	Case Payment	\$15.00	CK	paid.
04/28/2010	Case Payment	\$85.35	CK	paid.

### FINE PAYMENT SCHEDULE

Execution/payment stayed to pay in full by 11/01/2013 or warrant to issue.

A TRUE COPY

ATTEST:

*[Handwritten signature]*  
\_\_\_\_\_  
Clerk