

101-11

STATE OF MAINE

UNIFIED CRIMINAL DOCKET

CUMBERLAND, SS.

DOCKET NO. CUMCD-CR-10-3870

NOV 23 P 4:38

STATE OF MAINE

VS.

ORDER

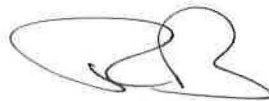
MARLOW BICKHAM

After oral argument on November 23, 2010, defendant's motion to dismiss count 2 of the indictment on double jeopardy grounds is denied. *State v. Labbe*, 2009 ME 94, ¶ 6 ("two charges that are considered the same offense for purposes of double jeopardy may be prosecuted in the same proceeding, but not in successive, temporally separate proceedings. *Johnson*, 467 U.S. at 500-01 (citing *Brown v. Ohio*, 432 U.S. 161 (1977)); *United States v. Henry*, 519 F.3d 68, 73 (1st Cir. 2008) (citing *United States v. Dixon*, 509 U.S. 688 (1993)).").

The court will await a response no later than November 30, 2010 from the state before ruling on defendant's motion to dismiss count 1 of the indictment.

Dated:

11/23/10



Judge, Unified Criminal Docket

STATE OF MAINE  
VS  
MARLOW BICKHAM  
COLEMAN STREET  
NEW LONDON CT 06320

Docket No CUMCD-CR-2010-03870

**DOCKET RECORD**

DOB: 03/22/1978

Attorney: JOHN DEGRINNEY  
DEGRINNEY LAW OFFICES  
1266 CONGRESS STREET  
PORTLAND ME 04102  
APPOINTED 08/11/2010

State's Attorney: LEA-ANNE SUTTON

Filing Document: INDICTMENT  
Filing Date: 06/11/2010

Major Case Type: FELONY (CLASS A,B,C)

**Charge (s)**

- 1 AGGRAVATED TRAFFICKING OF SCHEDULED DRUGS 04/15/2010 PORTLAND  
Seq 8555 17-A 1105-A(1)(B)(1) Class A
- 2 UNLAWFUL TRAFFICKING IN SCHEDULED DRUGS 04/15/2010 PORTLAND  
Seq 8541 17-A 1103(1-A)(A) Class B

**Docket Events:**

- 11/2010 FILING DOCUMENT - INDICTMENT FILED ON 06/11/2010
- 06/11/2010 BAIL BOND - \$25,000.00 CASH BAIL BOND SET BY COURT ON 06/11/2010  
THOMAS D WARREN , JUSTICE  
OR \$50,000SS WITH CONDITIONS
- 06/11/2010 Charge(s): 1,2  
WARRANT - ON COMP/INDICTMENT REQUESTED ON 06/11/2010
- 06/11/2010 Charge(s): 1,2  
WARRANT - ON COMP/INDICTMENT ORDERED ON 06/11/2010  
THOMAS D WARREN , JUSTICE
- 06/11/2010 Charge(s): 1,2  
WARRANT - ON COMP/INDICTMENT ISSUED ON 06/11/2010  
JAMES TURCOTTE , ASSISTANT CLERK  
CERTIFIED COPY TO WARRANT REPOSITORY
- 08/13/2010 Charge(s): 1,2  
WARRANT - ON COMP/INDICTMENT EXECUTED ON 08/11/2010
- 08/13/2010 Charge(s): 1,2  
HEARING - ARRAIGNMENT HELD ON 08/11/2010 @ 1:00 in Room No. 1  
ROLAND A COLE , JUSTICE  
DA: MATTHEW TICE  
DEFENDANT INFORMED OF CHARGES. 21 DAYS TO FILE MOTIONS
- 08/13/2010 Charge(s): 1,2  
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 08/11/2010
- 08/13/2010 Charge(s): 1,2

TAPE 2086

HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 11/10/2010 @ 8:30 in Room No. 7

08/13/2010 Charge(s): 1,2

TRIAL - JURY TRIAL SCHEDULED FOR 12/13/2010 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

08/13/2010 BAIL BOND - \$10,000.00 CASH BAIL BOND SET BY COURT ON 08/11/2010 @ 1:00 in Room No. 1  
ROLAND A COLE , JUSTICE  
\$20,000 S/S OR \$10,000 CASH W/CONDS

08/16/2010 Charge(s): 1,2

MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 08/11/2010

08/16/2010 Charge(s): 1,2

MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 08/11/2010  
ROLAND A COLE , JUSTICE

Attorney: JOHN DEGRINNEY  
COPY TO PARTIES/COUNSEL

08/16/2010 Party(s): MARLOW BICKHAM

ATTORNEY - APPOINTED ORDERED ON 08/11/2010

Attorney: JOHN DEGRINNEY

08/23/2010 Charge(s): 1,2

WARRANT - ON COMP/INDICTMENT RETURNED ON 08/12/2010

09/23/2010 MOTION - MOTION TO AMEND BAIL FILED BY DEFENDANT ON 09/23/2010

23/2010 HEARING - MOTION TO AMEND BAIL SCHEDULED FOR 09/27/2010 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

09/23/2010 HEARING - MOTION TO AMEND BAIL NOTICE SENT ON 09/23/2010

09/27/2010 HEARING - MOTION TO AMEND BAIL NOT HELD ON 09/27/2010

09/27/2010 MOTION - MOTION TO AMEND BAIL WITHDRAWN ON 09/27/2010

Attorney: JOHN DEGRINNEY

10/22/2010 Charge(s): 1,2

HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 10/22/2010

11/02/2010 MOTION - MOTION FOR FURTHER DISCOVERY FILED BY DEFENDANT ON 10/29/2010

11/02/2010 MOTION - MOTION TO DISMISS FILED BY DEFENDANT ON 10/29/2010

COUNT 1

11/02/2010 MOTION - MOTION TO DISMISS FILED BY DEFENDANT ON 10/29/2010

CT 2 OF THE INDICTMENT

11/17/2010 Charge(s): 1,2

HEARING - DISPOSITIONAL CONFERENCE HELD ON 11/10/2010  
JOYCE A WHEELER , JUSTICE  
MOTION HEARING SET FOR 11-23-2010 @ 1:00

17/2010 Charge(s): 1,2

HEARING - MOTION TO DISMISS SCHEDULED FOR 11/23/2010 @ 1:00 in Room No. 8

NOTICE TO PARTIES/COUNSEL

11/24/2010 Charge(s): 1,2

HEARING - MOTION TO DISMISS HELD ON 11/23/2010

ROLAND BEAUDOIN , JUDGE

Attorney: JOHN DEGRINNEY

DA: MEGIN ELAM

TAPE 2351

11/24/2010 ORDER - COURT ORDER FILED ON 11/23/2010

ROLAND BEAUDOIN , JUDGE

MOTION TO DISMISS CT 2 OF THE INDICTMENT ON DOUBLE JEOPARDY GROUNDS IS DENIED. ORDER  
CONT..... SEE ORDER THE COURT WILL AWAIT A RESPONSE NO LATER THAN NOV 30, 2010 FROM THE  
STATE BEFORE RULING ON DEFENDANT'S MOTION TO DISMISS CT 1 OF THE INDICTMENT

11/24/2010 MOTION - MOTION TO DISMISS DENIED ON 11/23/2010

ROLAND BEAUDOIN , JUDGE

COPY TO PARTIES/COUNSEL

11/29/2010 HEARING - RULE 11 HEARING SCHEDULED FOR 12/06/2010 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

PER ATTY

REQUEST

11/29/2010 HEARING - RULE 11 HEARING NOTICE SENT ON 11/29/2010

11/29/2010 HEARING - RULE 11 HEARING NOT HELD ON 11/29/2010

TRICIA KELLEY , ASSISTANT CLERK-E

EVENT TAKEN OUT IN ERROR; RESET FOR SAME DATE, TIME, AND COURTROOM

11/29/2010 Charge(s): 1,2

TRIAL - JURY TRIAL NOT HELD ON 11/29/2010

11/29/2010 Charge(s): 1

FINDING - DIS BY DA/AG-PLED OTHER CHARGE ENTERED ON 11/29/2010

DA: LEA-ANNE SUTTON

BASED ON REVIEW OF CASE LAW; STATE WILL PROCEED ON CT 2 OF INDICTMENT OR WILL SUPERSEDE  
BY PRESENTATION TO DEC 2010 GRAND JURY

11/29/2010 HEARING - RULE 11 HEARING SCHEDULED FOR 12/06/2010 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

PER ATTY

REQUEST

12/01/2010 HEARING - RULE 11 HEARING NOT HELD ON 12/01/2010

12/06/2010 Charge(s): 2

TRIAL - JURY TRIAL SCHEDULED FOR 12/13/2010 @ 8:30 in Room No. 11

NOTICE TO PARTIES/COUNSEL

12/06/2010 Charge(s): 2

TRIAL - JURY TRIAL NOTICE SENT ON 12/06/2010

JUSTIN WESLEY , ASSISTANT CLERK-E

A TRUE COPY

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

Clerk