

STATE OF MAINE  
CUMBERLAND, ss.

UNIFIED CRIMINAL DOCKET  
No. CR-13-187

STATE OF MAINE

v.

TIMOTHY DUFFY,

Defendant

STATE OF MAINE  
Cumberland, Ss. Clerk's Office

JUL 1 2013  
RECEIVED

ORDER

The court heard argument on May 29 on the motion by defendant Timothy Duffy to modify his sentence pursuant to Rule 35. The modification sought concerns a condition of probation, and at the hearing counsel for petitioner made an oral motion to amend the conditions of probation.

Specifically, Duffy is seeking to delete the requirement that he obtain an evaluation as directed by Probation and if necessary sex offender counseling and treatment as recommended. In the alternative, he is apparently seeking an order that he can have the evaluation conducted by a counselor he is already seeing.

The court has reviewed the audio recording of Duffy's plea and sentence and finds no evidence that the imposition of a probation condition requiring evaluation and if necessary sex offender counseling and treatment was influenced by any mistake of fact. That condition was specifically requested by the State. Nor is there any evidence that the court mistakenly failed to provide that the evaluation could be performed by Duffy's current counselor.<sup>1</sup>

Duffy's Rule 35 motion is therefore denied.

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<sup>1</sup> A portion of the discussion occurred at sidebar and is largely unintelligible. However, to the extent that portions of that discussion are audible, they do not support any finding that the sentence was influenced by a mistake of fact. M.R.Crim.P. 35(c)(2). The court will order a transcript in case the transcribers are able to discern more of the proceedings that occurred at sidebar.

The court will not issue any decision on the State's motion to revoke based on Duffy's failure – up to this point – to obtain an evaluation by a counselor deemed qualified by the State and will also not issue any ruling on Duffy's motion to modify the conditions of probation. This is because the parties have not yet determined (1) whether an evaluation from Duffy's current counselor would be acceptable to Probation and (2) if not, whether Duffy would be prepared to submit to an evaluation by a professional deemed qualified by the State.

However, Duffy is on notice that he needs to obtain an evaluation as “directed by {his] probation officer” and that if Probation concludes his current counselor is not qualified, he risks revocation if he does not comply with the conditions of probation. *See State v. Webb*, 673 A.2d 1345 (Me. 1996).

Dated: June 1, 2015



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Thomas D. Warren  
Justice, Superior Court

STATE OF MAINE  
vs  
TIMOTHY T DUFFY  
12 MAPLE RIDGE DR  
STANDISH ME 04084

CRIMINAL DOCKET  
CUMBERLAND, ss.  
Docket No CUMCD-CR-2013-00187

**DOCKET RECORD**

DOB: 08/24/1975

Attorney: KEVIN MOYNIHAN  
FAIRFIELD & ASSOCIATES PA  
80 EXCHANGE ST SUITE 32  
PORTLAND ME 04101  
RETAINED 01/09/2013

State's Attorney: STEPHANIE ANDERSON

Filing Document: CRIMINAL COMPLAINT  
Filing Date: 01/09/2013

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

**Charge(s)**

1 UNLAWFUL SEXUAL CONTACT			01/18/2011	GRAY
Seq 8409	17-A 255-A(1)(N)	Class B		
THORPE	/	CUM		
2 UNLAWFUL SEXUAL TOUCHING			08/01/2004	GRAY
Seq 9314	17-A 260(1)(G)	Class D		Charged with INFORMATION on Supplemental Filing.
THORPE	/	CUM		
3 UNLAWFUL SEXUAL TOUCHING			08/01/2004	GRAY
Seq 9314	17-A 260(1)(G)	Class D		Charged with INFORMATION on Supplemental Filing.
THORPE	/	CUM		

**Docket Events:**

01/09/2013 FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 01/09/2013

01/09/2013 Charge(s): 1

HEARING - INITIAL APPEARANCE SCHEDULED FOR 01/09/2013 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

01/10/2013 Charge(s): 1

HEARING - INITIAL APPEARANCE HELD ON 01/09/2013

JEFF MOSKOWITZ , JUDGE

DA: JENNIFER ACKERMAN

Defendant Present in Court

TAPE 4621

01/10/2013 Charge(s): 1

PLEA - NO ANSWER ENTERED BY DEFENDANT ON 01/09/2013

JEFF MOSKOWITZ , JUDGE

01/10/2013 BAIL BOND - \$500.00 CASH BAIL BOND SET BY COURT ON 01/09/2013

JEFF MOSKOWITZ , JUDGE

\$500 CASH W/CONDS

AND MPTSC

01/10/2013 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 03/05/2013 at 10:00 a.m. in Room No. 7

01/10/2013 TRIAL - JURY TRIAL SCHEDULED FOR 04/22/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

01/10/2013 Party(s): TIMOTHY T DUFFY

ATTORNEY - RETAINED ENTERED ON 01/09/2013

Attorney: KEVIN MOYNIHAN

01/10/2013 OTHER FILING - PRETRIAL SERVICES CONTRACT APPROVED ON 01/09/2013

JEFF MOSKOWITZ , JUDGE

01/22/2013 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 01/17/2013

Bail Receipt Type: CR  
Bail Amt: \$500  
Receipt Type: CK  
Date Bailed: 01/09/2013 Prvdr Name: SHERRI BUKOVSKY DUFFY  
Rtrn Name: SHERRI BUKOVSKY DUFF  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

01/28/2013 MOTION - MOTION TO AMEND BAIL FILED BY DEFENDANT ON 01/28/2013

02/04/2013 MOTION - MOTION TO AMEND BAIL GRANTED ON 01/28/2013

ROLAND A COLE , JUSTICE  
COPY TO PARTIES/COUNSEL

02/05/2013 BAIL BOND - CASH BAIL BOND AMENDED ON 01/28/2013

ROLAND A COLE , JUSTICE  
02.05.14 AMENDED JUSTICE WARREN

Date Bailed: 01/09/2013  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

02/11/2013 Charge(s): 1  
SUPPLEMENTAL FILING - INDICTMENT FILED ON 02/07/2013  
JAMES TURCOTTE , ASSISTANT CLERK

02/11/2013 Charge(s): 1  
HEARING - ARRAIGNMENT SCHEDULED FOR 03/05/2013 in Room No. 7

02/13/2013 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 02/13/2013  
DEBBIE COOK , ASSISTANT CLERK

02/27/2013 BAIL BOND - CASH BAIL BOND ASSIGNMENT FILED ON 03/06/2014

Date Bailed: 01/09/2013  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

02/27/2013 LETTER - FROM PARTY FILED ON 02/27/2013

Attorney: KEVIN MOYNIHAN  
ASSIGNMENT FILED BUT NOT SIGNED BY 3RD PARTY BAIL PROVIDER

02/28/2013 Charge(s): 1  
MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 02/28/2013

NO OBJ BY ADA H. MAY

03/01/2013 Charge(s): 1  
MOTION - MOTION TO CONTINUE GRANTED ON 02/28/2013

ROLAND A COLE , JUSTICE  
COPY TO PARTIES/COUNSEL

03/01/2013 Charge(s): 1  
HEARING - ARRAIGNMENT CONTINUED ON 02/28/2013

ROLAND A COLE , JUSTICE

03/01/2013 HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 02/28/2013

ROLAND A COLE , JUSTICE

03/01/2013 TRIAL - JURY TRIAL CONTINUED ON 02/28/2013

ROLAND A COLE , JUSTICE

03/01/2013 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 04/23/2013 at 08:30 a.m. in Room No. 7

03/01/2013 Charge(s): 1  
TRIAL - JURY TRIAL SCHEDULED FOR 06/10/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

04/05/2013 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 04/05/2013

DEBBIE COOK , ASSISTANT CLERK

04/23/2013 Charge(s): 1  
HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 04/23/2013

PAUL E EGGERT , JUDGE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

CASE CONTINUED TO 5-21, MOTIONS 6-6 AND TRIAL 6-24. PARTIES NOTIFIED IN CHAMBERS. STATE TO CHECK WITH VICTIM.

04/25/2013 Charge(s): 1  
TRIAL - JURY TRIAL CONTINUED ON 04/23/2013

04/25/2013 HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 05/21/2013 at 10:00 a.m. in Room No. 7

04/25/2013 TRIAL - JURY TRIAL SCHEDULED FOR 06/24/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

05/10/2013 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 05/10/2013

05/21/2013 HEARING - DISPOSITIONAL CONFERENCE HELD ON 05/21/2013

WILLIAM BRODRICK , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

OFFER MADE

06/17/2013 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 06/17/2013

06/18/2013 HEARING - DISPOSITIONAL CONFERENCE HELD ON 06/18/2013

ROLAND A COLE , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

CONF HELD WITH JUSTICE COLE DISCUSSING ISSUES WITH CONTINUING CASE OFF FROM THE JS LIST ON 6-24-13

06/18/2013 HEARING - RULE 11 HEARING SCHEDULED FOR 07/19/2013 at 01:00 p.m. in Room No. 7

NOTICE TO PARTIES/COUNSEL

AGREEMENT (PROBABLE) WITH ADA CANNON

NOTICE GIVEN IN HAND

06/18/2013 TRIAL - JURY TRIAL CONTINUED ON 06/18/2013

ROLAND A COLE , JUSTICE  
AGREEMENT BY PARTIES TO CONT JS DATE TO 7-22-13

06/18/2013 Charge(s): 1

TRIAL - JURY TRIAL SCHEDULED FOR 07/22/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

06/18/2013 MOTION - MOTION TO CONTINUE GRANTED ON 06/17/2013

ROLAND A COLE , JUSTICE  
COPY TO PARTIES/COUNSEL

06/21/2013 MOTION - MOTION TO PRODUCE DHHS RECORD FILED BY DEFENDANT ON 06/18/2013

06/26/2013 MOTION - MOTION TO PRODUCE DHHS RECORD GRANTED ON 06/21/2013

WILLIAM BRODRICK , JUSTICE  
COPY TO PARTIES/COUNSEL

07/05/2013 OTHER FILING - DHHS RECORD FILED ON 07/03/2013

07/17/2013 HEARING - RULE 11 HEARING NOT HELD ON 07/17/2013

07/18/2013 Charge(s): 1

MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 07/18/2013

07/18/2013 Charge(s): 1

TRIAL - JURY TRIAL CONTINUED ON 07/18/2013  
ROLAND A COLE , JUSTICE

07/19/2013 Charge(s): 1

MOTION - MOTION TO CONTINUE GRANTED ON 07/18/2013  
ROLAND A COLE , JUSTICE  
COPY TO PARTIES/COUNSEL

07/19/2013 TRIAL - JURY TRIAL SCHEDULED FOR 08/26/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

07/19/2013 TRIAL - JURY TRIAL NOTICE SENT ON 07/19/2013

08/21/2013 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 08/21/2013

08/22/2013 MOTION - MOTION TO CONTINUE GRANTED ON 08/22/2013

ROLAND A COLE , JUSTICE  
COPY TO PARTIES/COUNSEL

08/22/2013 TRIAL - JURY TRIAL CONTINUED ON 08/22/2013

08/30/2013 TRIAL - JURY TRIAL SCHEDULED FOR 09/09/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

08/30/2013 TRIAL - JURY TRIAL NOTICE SENT ON 08/22/2013

08/30/2013 MOTION - MOTION IN LIMINE FILED BY DEFENDANT ON 08/30/2013

09/11/2013 HEARING - MOTION IN LIMINE SCHEDULED FOR 09/20/2013 at 01:00 p.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

09/11/2013 HEARING - MOTION IN LIMINE NOTICE SENT ON 09/11/2013

09/13/2013 TRIAL - JURY TRIAL CONTINUED ON 09/09/2013

09/13/2013 TRIAL - JURY TRIAL SCHEDULED FOR 11/25/2013 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

09/19/2013 TRIAL - JURY TRIAL NOTICE SENT ON 09/19/2013

09/20/2013 HEARING - MOTION IN LIMINE HELD ON 09/20/2013

JEFF MOSKOWITZ , JUDGE  
Attorney: KEVIN MOYNIHAN  
DA: ANGELA CANNON  
Defendant Not Present in Court  
5254

09/20/2013 MOTION - MOTION IN LIMINE GRANTED ON 09/20/2013

JEFF MOSKOWITZ , JUDGE  
COPY TO PARTIES/COUNSEL

PARTIALLY GRANTED

09/20/2013 ORDER - COURT ORDER FILED ON 09/20/2013

JEFF MOSKOWITZ , JUDGE  
REGARDING COUNSELING RECORDS

11/07/2013 LETTER - FROM PARTY FILED ON 11/06/2013

LETTER FROM ATTY. MOYNIHAN REQUESTING TO REVIEW COUNSELING RECORDS.

11/15/2013 ORDER - COURT ORDER FILED ON 11/14/2013

JEFF MOSKOWITZ , JUDGE  
ORDER REGARDING COUNSELING RECORDS

11/21/2013 TRIAL - JURY TRIAL CONTINUED ON 11/21/2013

11/21/2013 TRIAL - JURY TRIAL SCHEDULED FOR 01/27/2014 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL

11/21/2013 TRIAL - JURY TRIAL NOTICE SENT ON 11/21/2013

02/05/2014 Charge(s): 2,3

SUPPLEMENTAL FILING - INFORMATION FILED ON 02/05/2014

DA: ANGELA CANNON

02/07/2014 TRIAL - JURY TRIAL NOT HELD ON 02/05/2014

BETH ALWARD , ASSISTANT CLERK

02/07/2014 Charge(s): 1,2,3

HEARING - MISDEMEANOR PLEA HELD ON 02/05/2014

THOMAS D WARREN , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

Defendant Present in Court

READING WAIVED

TAPE 5795 IND 189-955

02/07/2014 BAIL BOND - CASH BAIL BOND CONT AS POST CONVIC ON 02/05/2014

BETH ALWARD , ASSISTANT CLERK

Date Bailed: 01/09/2013

DOB: 10.01.1970

927 BALWARD

BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

02/07/2014 Charge(s): 1  
FINDING - DIS BY DA/AG-PLED OTHER CHARGE ENTERED ON 02/05/2014

DA: ANGELA CANNON  
DEF PLED TO COUNTS 2 AND 3 THIS CASE CUMCD-CR-2013-00187

02/07/2014 Charge(s): 2  
PLEA - NOLO ENTERED BY DEFENDANT ON 02/05/2014

INSERTED VIA FEE PROCESSING  
Charge(s): 2  
FINDING - GUILTY ENTERED BY COURT ON 02/05/2014

INSERTED VIA FEE PROCESSING  
Charge(s): 2  
RULING - ORIGINAL ORDERED ON 02/05/2014

INSERTED VIA FEE PROCESSING

It is adjudged that the defendant is guilty of 2 UNLAWFUL SEXUAL TOUCHING 17-A 260(1)(G) Class D as charged and convicted.

The defendant is sentenced to the CUMBERLAND COUNTY JAIL for a term of 364 day(s).

Execution stayed to on or before: 02/19/2014 at 18:00.

It is ordered that all but 30 day(s) of the sentence as it relates to confinement be suspended.

The defendant shall serve the initial portion of the foregoing sentence at the county jail in CUMBERLAND.

It is ordered that the defendant be placed on a period of probation for a term of 1 year(s) upon conditions attached hereto and incorporated by reference herein.

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

\$ 10 VICTIMS COMPENSATION FUND

**TOTAL DUE: \$ 10.00.**

**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.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

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.

have no contact with female children under the age of 16

**NO UNSUPERVISED CONTACT WITH FEMALES UNDER THE AGE OF 16**

Have no contact of any kind with SIMONE BUKOVSKY and the family of said person.



02/07/2014 Charge(s): 3  
PLEA - NOLO ENTERED BY DEFENDANT ON 02/05/2014

INSERTED VIA FEE PROCESSING  
Charge(s): 3  
FINDING - GUILTY ENTERED BY COURT ON 02/05/2014

INSERTED VIA FEE PROCESSING  
Charge(s): 3  
RULING - ORIGINAL ORDERED ON 02/05/2014

INSERTED VIA FEE PROCESSING  
It is adjudged that the defendant is guilty of 3 UNLAWFUL SEXUAL TOUCHING 17-A 260(1)(G) Class D as charged and convicted.  
The defendant is sentenced to the CUMBERLAND COUNTY JAIL for a term of 364 day(s).  
This sentence to be served consecutively to: CUMCDCR201300187 Charge: 2  
Execution stayed to on or before: 02/19/2014 at 18:00.  
It is ordered that all of the sentence as it relates to confinement be suspended.  
The defendant shall serve the initial portion of the foregoing sentence at the county jail in CUMBERLAND.  
It is ordered that the defendant be placed on a period of probation for a term of 1 year(s) upon conditions attached hereto and incorporated by reference herein.  
This sentence to be served consecutively to: CUMCDCR201300187 Charge:2  
\$ 10 VICTIMS COMPENSATION FUND  
**TOTAL DUE: \$ 10.00.**

**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.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

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.  
have no contact with female children under the age of 16

**NO UNSUPERVISED CONTACT WITH FEMALES UNDER THE AGE OF 16**

Have no contact of any kind with SIMONE BUKOVSKY and the family of said person.

02/07/2014 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 02/07/2014

INSTALLMENT PYMTS: 0;DAILY: F;WEEKLY: F;BI-WEEKLY: F;MONTHLY: F;BI-MONTHLY: F;PYMT BEGIN: AT 0;PYMT IN FULL: 20140305 AT 0;THRU PPO: F;PYMT DUE AMT: 20;PMT DUE: 20140305 AT 0;OTHER:

02/07/2014 Charge(s): 2  
RULING - ORIGINAL ISSUED ON 02/05/2014  
THOMAS D WARREN , JUSTICE  
DEFENDANT ACKNOWLEDGES RECEIPT

02/07/2014 Charge(s): 3  
RULING - ORIGINAL ISSUED ON 02/05/2014  
THOMAS D WARREN , JUSTICE  
DEFENDANT ACKNOWLEDGES RECEIPT

02/20/2014 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 02/20/2014  
JUSTIN WESLEY , ASSISTANT CLERK-E  
Date Bailed: 01/09/2013  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

02/20/2014 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 02/20/2014

Date Bailed: 01/09/2013  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

03/10/2014 BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 03/10/2014

Date Bailed: 01/09/2013  
DOB: 10.01.1970 927 BALWARD  
BAIL DISBURSEMENT ON 03/10/2014  
Check No. 15358 Check Amount: 500.00  
Paid To: FARFIELD & ASSOCIATES  
FORWARDED TO OTHER PARTIES

09/12/2014 Charge(s): 2,3  
MOTION - MOTION FOR CORR/REDUCE SNTC FILED BY DEFENDANT ON 09/12/2014

09/12/2014 MOTION - MOTION AMEND COND PROBATION FILED BY DEFENDANT ON 09/12/2014

09/19/2014 HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 11/04/2014 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

09/19/2014 HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 09/19/2014

09/19/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC SCHEDULED FOR 11/04/2014 at 01:00 p.m. in Room No. 1  
THOMAS D WARREN , JUSTICE  
NOTICE TO PARTIES/COUNSEL

09/19/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC NOTICE SENT ON 09/19/2014

10/15/2014 Charge(s): 2,3  
FILING DOCUMENT - FIRST MOTION PROB REVOCATION FILED ON 10/15/2014

TOGETHER WITH AFFIDAVIT IN SUPPORT OF PC

10/15/2014 Charge(s): 2,3  
HEARING - PV INITIAL APPEARANCE SCHEDULED FOR 10/17/2014 at 08:31 a.m. in Room No. 1

10/17/2014 BAIL BOND - PR BAIL BOND FILED ON 10/17/2014

Date Bailed: 10/17/2014  
927 BALWARD

10/17/2014 Charge(s): 2,3  
HEARING - PV INITIAL APPEARANCE HELD ON 10/17/2014  
PAUL E EGGERT , JUDGE  
Attorney: KEVIN MOYNIHAN  
DA: MATTHEW TICE  
Defendant Present in Court  
TAPE 6510 INDEX 4126

10/17/2014 Charge(s): 2,3  
PLEA - DENY ENTERED BY DEFENDANT ON 10/17/2014

10/31/2014 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 10/30/2014

TO CONTINUE MOTION HEARING 11-4-14. NO OBJECTION.

10/31/2014 OTHER FILING - TRANSCRIPT ORDER FILED ON 10/30/2014

Attorney: ROBERT JACKSON  
PLEA/SENTENCING HEARING: 02/05/2014

TAPE #5795 INDEX 0189-0955  
10.31.14 GIVEN TO CTA

PORTLAND 11.05.14 CTA SENT TAPE & TRANSCRIPT REQUEST TO OTO

10/31/2014 MOTION - MOTION TO CONTINUE GRANTED ON 10/31/2014

ROLAND A COLE , JUSTICE

10/31/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC CONTINUED ON 10/31/2014  
ROLAND A COLE , JUSTICE

10/31/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC SCHEDULED FOR 12/18/2014 at 01:00 p.m. in Room No. 1

10/31/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC NOTICE SENT ON 10/31/2014

10/31/2014 HEARING - MOTION AMEND COND PROBATION CONTINUED ON 10/31/2014

10/31/2014 Charge(s): 1,2,3  
HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 12/18/2014 at 01:00 p.m. in Room No. 1

10/31/2014 Charge(s): 1,2,3  
HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 10/31/2014

11/21/2014 OTHER FILING - TRANSCRIPT FILED ON 11/21/2014

AUDIO COPY OF HEARING

12/19/2014 Charge(s): 1,2,3  
HEARING - MOTION AMEND COND PROBATION CONTINUED ON 12/18/2014  
MARY KELLY , JUDGE  
Attorney: KEVIN MOYNIHAN

DA: ROBERT ELLIS  
TO BE SCHEDULED WITH JUSTICE WARREN.

12/19/2014 Charge(s): 1,2,3  
HEARING - MOTION FOR CORR/REDUCE SNTC CONTINUED ON 12/18/2014  
MARY KELLY , JUDGE  
Attorney: KEVIN MOYNIHAN

DA: ROBERT ELLIS  
TO BE SCHEDULED WITH JUSTICE WARREN

02/23/2015 HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 02/25/2015 at 09:00 a.m. in Room No. 8

02/23/2015 HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 02/23/2015

02/23/2015 HEARING - OTHER HEARING SCHEDULED FOR 02/25/2015 at 09:00 a.m. in Room No. 8

MOTION TO CORRECT SENTENCE

02/23/2015 HEARING - OTHER HEARING NOTICE SENT ON 02/23/2015

02/26/2015 HEARING - OTHER HEARING HELD ON 02/25/2015

THOMAS D WARREN , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

IN CHAMBERS

MOTION TO CORRECT SENTENCE DENIED. ADA CANNON AND  
ATTORNEY MOYNIHAN TO CONFER WITH DEFENDANT'S PROBATION OFFICER TO DETERMINE NECESSITY OF  
SEX OFFENDER COUNSELING. TO BE SET FOR PROBATION HEARING OR FURTHER CONFERENCE ONCE  
PROBATION'S POSITION HAS BEEN OBTAINED.

02/26/2015 Charge(s): 2,3  
MOTION - MOTION FOR CORR/REDUCE SNTC DENIED ON 02/25/2015

THOMAS D WARREN , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

COPIES TO PARTIES/COUNSEL

THE COURT HAS REVIEWED THE RECORDING OF THE  
PLEA AND SENTENCING AND THAT RECORD REFLECTS THAT SEX OFFENDER COUNSELING WOULD BE  
ORDERED AS A CONDITION OF PROBATION.

03/11/2015 HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 03/20/2015 at 08:31 a.m. in Room No. 1

03/11/2015 HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 03/11/2015

JAMES TURCOTTE , ASSISTANT CLERK

03/24/2015 HEARING - MOTION AMEND COND PROBATION NOT HELD ON 03/20/2015

MARY KELLY , JUDGE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

NEED TO SCHEDULE THIS MATTER WITH JUSTICE WARREN  
RECORD

TAPE #6717 I:5540, W/DRAWN ON

03/24/2015 HEARING - MOTION AMEND COND PROBATION NOT HELD ON 02/25/2015

03/24/2015 MOTION - MOTION AMEND COND PROBATION WITHDRAWN ON 03/20/2015

MARY KELLY , JUDGE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

Defendant Present in Court

MOTION TO AMEND PROBATION W/DRAWN BY DEFENDANT ON RECORD

Charge(s): 2,3

03/31/2015 MOTION - MOTION FOR CORR/REDUCE SNTC FILED BY DEFENDANT ON 03/26/2015

Attorney: KEVIN MOYNIHAN

RULE 35

04/17/2015 HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 04/24/2015 at 02:30 p.m. in Room No. 7

THOMAS D WARREN , JUSTICE

04/17/2015 HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 04/17/2015

04/24/2015 HEARING - MOTION AMEND COND PROBATION CONTINUED ON 04/23/2015

THOMAS D WARREN , JUSTICE

STATE TO LET COURT KNOW WHEN PO IS AVAILABLE.

05/05/2015 HEARING - MOTION AMEND COND PROBATION SCHEDULED FOR 05/29/2015 at 01:00 p.m. in Room No. 8

THOMAS D WARREN , JUSTICE

05/05/2015 HEARING - MOTION AMEND COND PROBATION NOTICE SENT ON 05/05/2015

05/29/2015 HEARING - MOTION AMEND COND PROBATION HELD ON 05/29/2015

THOMAS D WARREN , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

FTR CTRM 8

05/29/2015 Charge(s): 2,3

MOTION - MOTION FOR CORR/REDUCE SNTC UNDER ADVISEMENT ON 05/29/2015

THOMAS D WARREN , JUSTICE

05/29/2015 Charge(s): 2,3

HEARING - PROBATION REVOCATION HELD ON 05/29/2015

THOMAS D WARREN , JUSTICE

Attorney: KEVIN MOYNIHAN

DA: ANGELA CANNON

FTR CTRM 8

05/29/2015 Charge(s): 2,3

PLEA - ADMIT ENTERED BY DEFENDANT ON 05/29/2015

MOTION DATE 10-14-14

05/29/2015 Charge(s): 2,3

FINDING - PROBATION VIOLATED ENTERED BY COURT ON 05/29/2015

MOTION DATE 10-14-14

05/29/2015 Charge(s): 2

RULING - PROBATION REVOCATION ORDERED ON 05/29/2015

It is adjudged that the defendant has violated one or more of the conditions of probation attached to the judgment, and it is ORDERED that the order of probation contained in the judgment of this court in this case, is hereby continued.

Defendant shall serve the foregoing sentence at County Jail.

05/29/2015 Charge(s): 2

RULING - PROBATION REVOCATION ISSUED ON 05/29/2015

THOMAS D WARREN , JUSTICE

05/29/2015 Charge(s): 3

RULING - PROBATION REVOCATION ORDERED ON 05/29/2015

It is adjudged that the defendant has violated one or more of the conditions of probation attached to the judgment, and it is ORDERED that the order of probation contained in the judgment of this court in this case, is hereby continued.

Defendant shall serve the foregoing sentence at County Jail.

This sentence to be served consecutively to: CUMCDCR201300187 Charge:2

05/29/2015 Charge(s): 3  
RULING - PROBATION REVOCATION ISSUED ON 05/29/2015  
THOMAS D WARREN , JUSTICE

06/02/2015 Charge(s): 2,3  
MOTION - MOTION FOR CORR/REDUCE SNTC DENIED ON 06/02/2015  
THOMAS D WARREN , JUSTICE

06/02/2015 ORDER - COURT ORDER ENTERED ON 06/02/2015

RULE 35 MOTION IS DENIED.

06/02/2015 Charge(s): 2,3  
HEARING - PROBATION REVOCATION SCHEDULED FOR 07/10/2015 at 08:30 a.m. in Room No. 1

06/02/2015 Charge(s): 2,3  
HEARING - PROBATION REVOCATION NOTICE SENT ON 06/02/2015

**Receipts**

02/14/2014 Case Payment \$20.00 OL paid.

**FINE PAYMENT SCHEDULE**

Execution/payment stayed to pay in full by 03/05/2014 or warrant to issue.

A TRUE COPY

ATTEST: Attest. *Molly M. [Signature]*  
Clerk Clerk of Courts