

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-04-552
JRA-KLW-1/5/2005

STATE OF MAINE

v.

ORDER

TRACY DODGE,

DONALD L. BASSICUM
CLERK

Defendant

FEB 14 2005

Pending before the court is Defendant's Motion to Compel Discovery and Defendant's Motion for Preparation of Expert Report. Both motions were argued before the court on January 4, 2005, and are in order for disposition.

With reference to the numbered paragraphs in the first motion cited, the court orders the following:

- (4) The State has provided the victim's date of birth.
- (5) The State is not ordered to ascertain Ms. Theberge's date of birth, but if it is learned through further investigation, it is to be disclosed to the defendant.
- (6) The State is not ordered to ascertain identifying information concerning Diane Jackson, but if it is learned through further investigation, it is to be disclosed to the defendant.
- (7) The State is ordered to make a good faith effort to obtain a release of confidentiality from the alleged victim, Frank R. Smith, so that his medical records pertinent to the pending charge may be obtained. Failing this, the State is ordered to obtain these records via the authority articulated for this purpose at 5 M.R.S.A. § 200-E(2). Once these records are obtained, they are to be turned over to the defendant unless the State requests and is granted protection from doing so via M.R. Crim. P. 16(b)(6).

(8) If the names of medical providers are not provided within the records obtained under paragraph 7, supra, the State is not required to make an affirmative effort to ascertain these names. If, however, they are uncovered during any investigation of this case, they are to be disclosed to the defendant.

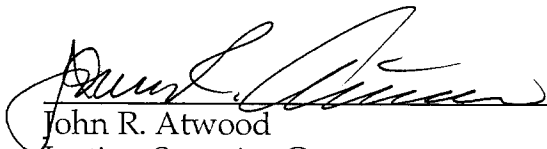
(9-12) All photographs taken in the investigation of this case are to be made available to defendant's counsel or her investigator for inspection. Should they require copies, they may apply to the court for funds for this purpose.

(13) The State is ordered to direct investigating officers in this case to preserve their field notes if they still exist.

With reference to the second motion above referenced, if the State identifies a witness as an expert who has not already authored a report in the course of his/her activities in this case, e.g., medical reports, the State is ordered to direct the expert to prepare a report with the description provided for same in M.R. Crim. P. 16(c)(3).

So ordered.

Dated: January 5, 2005


John R. Atwood
Justice, Superior Court

STATE OF MAINE
vs
TRACY L DODGE
22 HIGHLAND AVENUE
GARDINER ME 04345

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2004-00552

DOCKET RECORD

DOB: 11/17/1972

Attorney: SHERRY TASH
HAINKE & TASH
PO BOX 192
WHITEFIELD ME 04353
APPOINTED 10/25/2004

State's Attorney: EVERT FOWLE

Filing Document: CRIMINAL COMPLAINT
Filing Date: 10/20/2004

Major Case Type: MISDEMEANOR (CLASS D,E)

Charge(s)

1 ASSAULT 10/17/2004 GARDINER
Seq 8382 17-A 207(1)(A) Class D
PEPPARD / GAR

Docket Events:

10/25/2004 Charge(s): 1

TRANSFER - TRANSFER FOR JURY TRIAL EDI ON 10/25/2004 @ 22:00

TRANSFERRED CASE: SENDING COURT CASEID AUGDCCR200403039
FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 10/20/2004

Charge(s): 1

HEARING - ARRAIGNMENT SCHEDULED FOR 10/20/2004 @ 9:00 in Room No. 1

NOTICE TO PARTIES/COUNSEL

Charge(s): 1

HEARING - ARRAIGNMENT HELD ON 10/20/2004

DEFENDANT INFORMED OF CHARGES. 21 DAYS TO FILE MOTIONS

Charge(s): 1

MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 10/20/2004

Charge(s): 1

MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 10/25/2004

RAE ANN FRENCH , JUDGE

COPY TO PARTIES/COUNSEL

Charge(s): 1

PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 10/20/2004

Party(s): TRACY L DODGE

ATTORNEY - APPOINTED ORDERED ON 10/25/2004

Attorney: SHERRY TASH

10/25/2004 Charge(s): 1

TRANSFER - TRANSFER FOR JURY TRIAL REQUESTED ON 10/20/2004

TRIAL - BENCH SCHEDULED FOR 01/14/2005 @ 8:30 in Room No. 1

NOTICE TO PARTIES/COUNSEL

TRIAL - BENCH NOT HELD ON 10/25/2004

SENT FOR JT.

Charge(s): 1

FINDING - TRANSFER FOR JURY TRIAL TRANSFERRED ON 10/25/2004

AUGSC

Charge(s): 1

ABSTRACT - SBI EDI ON 10/25/2004

LAST EDI SENT: 10/25/2004 21:22:16

10/28/2004 Charge(s): 1

TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 10/27/2004

AUGDC-CR-2004-03039

10/28/2004 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 10/27/2004

Bail Receipt Type: CR

Bail Amt: \$500

Date Bailed: 10/23/2004

Receipt Type: CK

Prvdr Name: REBECCA FAIRBROTHER

Rtrn Name: REBECCA FAIRBROTHER

Conditions of Bail:

11/16/2004 MOTION - MOTION FOR DISCOVERY FILED BY DEFENDANT ON 11/09/2004

11/16/2004 MOTION - MOTION EXPERT WITNESS REPORT FILED BY DEFENDANT ON 11/09/2004

11/16/2004 MOTION - OTHER MOTION FILED BY DEFENDANT ON 11/09/2004

MOTION TO PRESERVE EVIDENCE

11/16/2004 MOTION - MOTION FOR FUNDS FILED BY DEFENDANT ON 11/09/2004

TO OBTAIN EXPERT ASSISTANCE/SERVICES OF A PHYSICIAN AND A PSYCHIATRIST AND/OR A
PSYCHOLOGIST

11/16/2004 MOTION - MOTION FOR FUNDS FILED BY DEFENDANT ON 11/09/2004

FOR PRIVATE INVESTIGATOR

12/09/2004 HEARING - OTHER MOTION SCHEDULED FOR 01/04/2005 @ 9:00

MOTION TO PRESERVE EVIDENCE

12/09/2004 HEARING - MOTION EXPERT WITNESS REPORT SCHEDULED FOR 01/04/2005 @ 9:00

12/09/2004 HEARING - MOTION FOR DISCOVERY SCHEDULED FOR 01/04/2005 @ 9:00

NOTICE TO PARTIES/COUNSEL

12/10/2004 MOTION - MOTION FOR FUNDS GRANTED ON 12/10/2004

DONALD H MARDEN , JUSTICE

COPY TO PARTIES/COUNSEL

01/05/2005 HEARING - MOTION FOR DISCOVERY HELD ON 01/04/2005
JOHN R ATWOOD , JUSTICE
Attorney: SHERRY TASH
DA: PAUL RUCHA Reporter: JANETTE COOK
Defendant Present in Court

01/05/2005 HEARING - MOTION EXPERT WITNESS REPORT HELD ON 01/04/2005
JOHN R ATWOOD , JUSTICE
Attorney: SHERRY TASH
DA: PAUL RUCHA Reporter: JANETTE COOK
Defendant Present in Court

01/05/2005 HEARING - OTHER MOTION NOT HELD ON 01/04/2005

MOTION TO PRESERVE EVIDENCE, NO OBJECTION BY STATE

01/05/2005 MOTION - OTHER MOTION GRANTED ON 01/04/2005
JOHN R ATWOOD , JUSTICE
MOTION TO PRESERVE EVIDENCE

01/05/2005 MOTION - MOTION EXPERT WITNESS REPORT GRANTED ON 01/05/2005
JOHN R ATWOOD , JUSTICE

01/05/2005 MOTION - MOTION FOR DISCOVERY GRANTED ON 01/05/2004
JOHN R ATWOOD , JUSTICE
COPY TO PARTIES/COUNSEL

A TRUE COPY

ATTEST: _____

Clerk