

STATE OF MAINE
KENNEBEC, ss

RECEIVED AND FILED
KENNEBEC SUPERIOR COURT

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-05-540

2006 AUG 11 P 3:59

NM-KEN-8/11/06

STATE OF MAINE

MAINE STATE JUDICIAL
CLERK OF COURTS

ORDER ON MOTIONS

v.

BOBBY MILLER,

Defendant

State's Motion to Remove Exhibit

The motion to remove exhibit is granted.

Motion for Discovery

The motion for Discovery is granted. The State will provide by 8/14/06 the materials requested in paragraphs (a) - (h) of the defendant's motion for discovery to the extent the requested materials exist.

Information regarding the "slug" found after trial, State's Exhibit 33, and investigation of alleged new criminal conduct by the defendant will be provided to the defendant within 48 hours of receipt of the information by the State.

Defendant's Motion to Change Venue

The motion to change venue is denied. A jury was selected in Kennebec County for the first trial. The court will ensure that sufficient jurors are available for jury selection.

Defendant's Motion for a New Trial

Any additional evidence of alleged intentional conduct by the defendant does not negate a finding of reckless conduct by the defendant. The motion for a new trial is denied.

Defendant's Motion to Recuse Judge from Case

The undersigned justice has no reason to believe she could not act with complete impartiality in this case. Maine Code of Judicial Conduct, Canon 3(E)(1).

The undersigned justice finds no basis on which her impartiality might reasonably be questioned. Id., Canon 3(E)(2). In particular, the undersigned justice has no personal bias or prejudice concerning a party or a party's lawyer. Id., Canon 3(E)(2)(a). Further, neither the justice nor her spouse nor anyone in her family has an economic interest in the subject matter in controversy or in a party to the proceeding or any interest that could be substantially affected by the proceeding. Id., Canon 3(E)(2)(c).

The motion to recuse judge from case is denied.

Motion for Bail

The motion for bail is denied. The court will proceed in August to sentencing on the charges for which the defendant was found guilty. Sentencing will be scheduled as soon as counsel are prepared and available.

Date: August 11, 2006


Nancy Mills
Justice, Superior Court

STATE OF MAINE
vs
BOBBY MILLER
102 NORTH POND ROAD
WINSLOW ME 04901

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2005-00540

DOCKET RECORD

DOB: 05/28/1977

Attorney: RONALD BOURGET
BOURGET & BOURGET PA
64 STATE STREET
AUGUSTA ME 04330-5194
RETAINED 09/08/2005

State's Attorney: EVERT FOWLE

Filing Document: INDICTMENT
Filing Date: 09/08/2005

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

Charge (s)

1	AGGRAVATED ASSAULT		08/04/2005 WINSLOW
Seq 630	17-A 208(1)(B)	Class B	
SIROIS	/ WNS		
2	RECKLESS CONDUCT WITH A DANGEROUS WEAPON		08/04/2005 WINSLOW
Seq 636	17-A 211(1)	Class C	
SIROIS	/ WNS		
3	ASSAULT		08/04/2005 WINSLOW
Seq 8382	17-A 207(1)(A)	Class D	
SIROIS	/ WNS		
4	UNLAWFUL POSSESSION OF SCHEDULED DRUG		08/04/2005 WINSLOW
Seq 8574	17-A 1107-A(1)(F)	Class E	
SIROIS	/ WNS		
5	CRIMINAL THREATENING W/ DANGEROUS WPN		03/15/2005 WINSLOW
Seq 7975	17-A 209(1)	Class C	
SIROIS	/ WNS		
6	CRIMINAL THREATENING		03/15/2005 WINSLOW
Seq 631	17-A 209(1)	Class D	

Docket Events:

09/08/2005 FILING DOCUMENT - INDICTMENT FILED ON 09/08/2005

09/08/2005 TRANSFER - BAIL AND PLEADING GRANTED ON 09/08/2005

TRANSFER - BAIL AND PLEADING REQUESTED ON 09/08/2005

09/09/2005 Party(s): BOBBY MILLER

ATTORNEY - RETAINED ENTERED ON 09/08/2005

Attorney: RONALD BOURGET

09/21/2005 Charge(s): 1,2,3,4,5

HEARING - ARRAIGNMENT SCHEDULED FOR 09/22/2005 @ 9:00

09/27/2005 Charge(s): 1,2,3,4,5

HEARING - ARRAIGNMENT HELD ON 09/22/2005

S KIRK STUDSTRUP , JUSTICE

Attorney: RONALD BOURGET

DA: PAUL RUCHA

Defendant Present in Court

READING WAIVED. DEFENDANT INFORMED OF CHARGES. COPY OF INDICTMENT/INFORMATION GIVEN TO DEFENDANT. 21 DAYS TO FILE MOTIONS

09/27/2005 Charge(s): 1,2,3,4,5

PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 09/22/2005

09/27/2005 Charge(s): 1,2,3,4,5

PLEA - NOT GUILTY ACCEPTED BY COURT ON 09/22/2005

09/29/2005 HEARING - BAIL HEARING SCHEDULED FOR 09/30/2005 @ 8:30

S KIRK STUDSTRUP , JUSTICE

NOTICE TO PARTIES/COUNSEL

10/05/2005 TRANSFER - BAIL AND PLEADING RECVD BY COURT ON 10/05/2005

RECEIVED FROM WATERVILLE DISTRICT COURT DOCKET NO: CR-05-1753

10/13/2005 HEARING - BAIL HEARING HELD ON 09/30/2005

NANCY MILLS , JUSTICE

Attorney: RONALD BOURGET

DA: PAUL RUCHA

Reporter: CASE ENOCH

Defendant Present in Court

10/13/2005 BAIL BOND - \$200,000.00 SURETY BAIL BOND SET BY COURT ON 09/30/2005

S KIRK STUDSTRUP , JUSTICE

10/13/2005 BAIL BOND - \$20,000.00 CASH BAIL BOND SET BY COURT ON 09/30/2005

S KIRK STUDSTRUP , JUSTICE

10/26/2005 MOTION - MOTION TO SUPPRESS EVIDENCE FILED BY DEFENDANT ON 10/21/2005

10/26/2005 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 10/21/2005

10/26/2005 MOTION - MOTION FOR SANCTIONS FILED BY DEFENDANT ON 10/21/2005

11/08/2005 MOTION - MOTION RELIEF PREJUDICIAL JOIN FILED BY DEFENDANT ON 11/08/2005

11/08/2005 MOTION - OTHER MOTION FILED BY DEFENDANT ON 11/08/2005

EMERGENCY MOTION TO EXAMINE THE SCENE OF THE CRIME

11/09/2005 HEARING - MOTION TO SUPPRESS EVIDENCE SCHEDULED FOR 12/05/2005 @ 2:00

NOTICE TO PARTIES/COUNSEL

11/09/2005 HEARING - MOTION TO SUPPRESS STATEMENT SCHEDULED FOR 12/05/2005 @ 2:00

NOTICE TO PARTIES/COUNSEL

11/09/2005 HEARING - OTHER MOTION SCHEDULED FOR 12/05/2005 @ 2:00

MOTION TO EXAMINE SCENE OF CRIME

11/09/2005 HEARING - MOTION RELIEF PREJUDICIAL JOIN SCHEDULED FOR 12/05/2005 @ 2:00

11/09/2005 HEARING - SANCTIONS SCHEDULED FOR 12/05/2005 @ 2:00

12/16/2005 BAIL BOND - \$20,000.00 CASH BAIL BOND FILED ON 12/16/2005

Bail Receipt Type: CR
Bail Amt: \$20,000

Date Bailed: 12/16/2005
Receipt Type: CK
Prvdr Name: BURTON MILLER
Rtrn Name: BURTON MILLER

BAIL DISBURSEMENT ON 05/01/2006
Check No. 6211 Check Amount: 10,000.00
Paid To: RONALD BOURGET
FORWARDED TO OTHER PARTIES

BAIL DISBURSEMENT ON 05/01/2006
Check No. 6212 Check Amount: 10,000.00
Paid To: BURTON MILLER
FORWARDED TO BAIL PROVIDER

12/19/2005 HEARING - SANCTIONS HELD ON 12/05/2005
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

MOTION RULED ON AS STATED IN MOTION

12/19/2005 HEARING - MOTION RELIEF PREJUDICIAL JOIN HELD ON 12/05/2005
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

12/19/2005 MOTION - MOTION RELIEF PREJUDICIAL JOIN DENIED ON 12/05/2005
NANCY MILLS , JUSTICE

12/19/2005 MOTION - MOTION FOR SANCTIONS DENIED ON 12/05/2005
NANCY MILLS , JUSTICE
PART DENIED, PART GRANTED

12/19/2005 MOTION - MOTION FOR SANCTIONS GRANTED ON 12/05/2005
NANCY MILLS , JUSTICE
PART GRANTED, PART DENIED

12/19/2005 HEARING - OTHER MOTION HELD ON 12/05/2005
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

MOTION TO EXAMINE SCENE OF CRIME

12/19/2005 HEARING - MOTION TO SUPPRESS STATEMENT HELD ON 12/05/2005
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

12/19/2005 HEARING - MOTION TO SUPPRESS EVIDENCE HELD ON 12/05/2005
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

12/19/2005 MOTION - MOTION TO SUPPRESS UNDER ADVISEMENT ON 12/05/2005
NANCY MILLS , JUSTICE

12/19/2005 MOTION - MOTION TO SUPPRESS EVIDENCE UNDER ADVISEMENT ON 12/05/2005
NANCY MILLS , JUSTICE

01/03/2006 MOTION - MOTION TO REVOKE BAIL FILED BY DEFENDANT ON 01/03/2006

AND FORFEITURE OF PRE-CONVICTION BAIL.

01/10/2006 HEARING - BAIL HEARING HELD ON 01/03/2006

01/10/2006 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 01/05/2006
S KIRK STUDSTRUP , JUSTICE

02/28/2006 MOTION - MOTION FOR SPEEDY TRIAL FILED BY DEFENDANT ON 02/24/2006

04/10/2006 Charge(s): 1,2,3,4,5
TRIAL - JURY TRIAL SCHEDULED FOR 04/24/2006 @ 8:30

NOTICE TO PARTIES/COUNSEL

04/10/2006 Charge(s): 1,2,3,4,5
TRIAL - JURY TRIAL NOTICE SENT ON 04/10/2006

05/01/2006 Charge(s): 1,2,3,4,5
TRIAL - JURY TRIAL SELECTED ON 04/10/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: JANETTE COOK
Defendant Present in Court

05/01/2006 Charge(s): 1,2,3,4,5
TRIAL - JURY TRIAL HELD ON 04/24/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

05/01/2006 TRIAL - JURY TRIAL HELD ON 04/25/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

DAY TWO

05/01/2006 TRIAL - JURY TRIAL HELD ON 04/26/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

DAY THREE

05/01/2006 TRIAL - JURY TRIAL HELD ON 04/27/2006
NANCY MILLS , JUSTICE

Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

DAY FOUR

05/01/2006 TRIAL - JURY TRIAL HELD ON 04/28/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

DAY FIVE

05/01/2006 Charge(s): 1
VERDICT - MISTRIAL RETURNED ON 04/28/2006

05/01/2006 BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 05/01/2006

Date Bailed: 12/16/2005
BAIL DISBURSEMENT ON 05/01/2006
Check No. 6211 Check Amount: 10,000.00
Paid To: RONALD BOURGET
FORWARDED TO OTHER PARTIES

BAIL DISBURSEMENT ON 05/01/2006
Check No. 6212 Check Amount: 10,000.00
Paid To: BURTON MILLER
FORWARDED TO BAIL PROVIDER

05/01/2006 Charge(s): 4
PLEA - GUILTY ENTERED BY DEFENDANT ON 04/10/2006
NANCY MILLS , JUSTICE
Attorney: STEPHEN BOURGET
DA: ALAN KELLEY Reporter: JANETTE COOK
Defendant Present in Court

05/01/2006 Charge(s): 4
PLEA - GUILTY ACCEPTED BY COURT ON 04/10/2006
NANCY MILLS , JUSTICE

05/01/2006 Charge(s): 4
FINDING - GUILTY ENTERED BY COURT ON 04/10/2006
NANCY MILLS , JUSTICE

05/01/2006 Charge(s): 4
FINDING - GUILTY CONT FOR SENTENCING ON 04/10/2006
NANCY MILLS , JUSTICE

05/01/2006 Charge(s): 2,3,6
VERDICT - GUILTY RETURNED ON 04/28/2006
NANCY MILLS , JUSTICE
Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: PEGGY STOCKFORD
Defendant Present in Court

05/01/2006 Charge(s): 5
VERDICT - NOT GUILTY RETURNED ON 04/28/2006

05/01/2006 Charge(s): 5

FINDING - NOT GUILTY ENTERED BY COURT ON 04/28/2006
NANCY MILLS , JUSTICE

05/01/2006 Charge(s): 2,3,6

FINDING - GUILTY ENTERED BY COURT ON 04/28/2006
NANCY MILLS , JUSTICE

05/01/2006 Charge(s): 2,3,6

FINDING - GUILTY CONT FOR SENTENCING ON 04/28/2006

05/01/2006 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 04/28/2006

NANCY MILLS , JUSTICE

05/01/2006 BAIL BOND - NO BAIL ALLOWED COMMITMENT ISSUED ON 04/28/2006

05/01/2006 BAIL BOND - CASH BAIL BOND BAIL RELEASED ON 05/01/2006

Date Bailed: 12/16/2005

BAIL DISBURSEMENT ON 05/01/2006

Check No. 6211 Check Amount: 10,000.00

Paid To: RONALD BOURGET

FORWARDED TO OTHER PARTIES

BAIL DISBURSEMENT ON 05/01/2006

Check No. 6212 Check Amount: 10,000.00

Paid To: BURTON MILLER

FORWARDED TO BAIL PROVIDER

05/01/2006 MOTION - OTHER MOTION GRANTED ON 04/10/2006

NANCY MILLS , JUSTICE

EMERGENCY MOTION TO EXAMINE THE SCENE OF THE CRIME

05/01/2006 MOTION - MOTION TO SUPPRESS DENIED ON 04/10/2006

NANCY MILLS , JUSTICE

COPY TO PARTIES/COUNSEL

05/01/2006 MOTION - MOTION FOR SPEEDY TRIAL MOOT ON 04/10/2006

05/01/2006 BAIL BOND - CASH BAIL BOND RELEASE ACKNOWLEDGED ON 05/01/2006

Date Bailed: 12/16/2005

BAIL DISBURSEMENT ON 05/01/2006

Check No. 6211 Check Amount: 10,000.00

Paid To: RONALD BOURGET

FORWARDED TO OTHER PARTIES

BAIL DISBURSEMENT ON 05/01/2006

Check No. 6212 Check Amount: 10,000.00

Paid To: BURTON MILLER

FORWARDED TO BAIL PROVIDER

05/10/2006 HEARING - SENTENCE HEARING SCHEDULED FOR 06/07/2006 @ 8:00

NOTICE TO PARTIES/COUNSEL

05/10/2006 HEARING - SENTENCE HEARING NOTICE SENT ON 05/10/2006

05/10/2006 Charge(s): 2,3,4,5,6

MOTION - MOTION FOR JDGMT OF ACQUITTAL FILED BY DEFENDANT ON 05/10/2006

05/10/2006 Charge(s): 3,5,6
HEARING - MOTION FOR JDGMT OF ACQUITTAL SCHEDULED FOR 06/07/2006 @ 8:00

NOTICE TO PARTIES/COUNSEL

06/06/2006 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 06/05/2006

06/15/2006 MOTION - MOTION TO CONTINUE GRANTED ON 06/07/2006

NANCY MILLS , JUSTICE
COPIES TO PARTIES/COUNSEL

06/15/2006 Charge(s): 3,5,6

HEARING - MOTION FOR JDGMT OF ACQUITTAL HELD ON 06/07/2006
NANCY MILLS , JUSTICE

Attorney: RONALD BOURGET

DA: PAUL RUCHA Reporter: JANETTE COOK

Defendant Present in Court

06/15/2006 Charge(s): 2,3,4,5,6

MOTION - MOTION FOR JDGMT OF ACQUITTAL DENIED ON 06/07/2006

COPIES TO PARTIES/COUNSEL

06/15/2006 HEARING - SENTENCE HEARING NOT HELD ON 06/07/2006

06/15/2006 MOTION - MOTION TO SUPPRESS EVIDENCE DENIED ON 04/24/2006

NANCY MILLS , JUSTICE
COPY TO PARTIES/COUNSEL

06/20/2006 ORDER - TRANSCRIPT ORDER ENTERED ON 06/20/2006

Attorney: RONALD BOURGET

COPY GIVEN TO PEGGY STOCKFORD

07/05/2006 TRIAL - DOCKET CALL SCHEDULED FOR 08/09/2006 @ 8:45

07/11/2006 OTHER FILING - TRANSCRIPT FILED ON 06/30/2006

MOTION TO SUPPRESS AND MOTION IN LIMINE ON APRIL 24, 2006

07/11/2006 OTHER FILING - TRANSCRIPT FILED ON 06/30/2006

TRANSCRIPT OF TESTIMONY OF ADAM SIROIS, JOSEPH JACKSON AND GINA HENDERSON

07/20/2006 MOTION - MOTION TO RECUSE FILED BY DEFENDANT ON 06/07/2006

07/20/2006 MOTION - MOTION FOR RETURN OF EXHIBITS FILED BY STATE ON 06/07/2006

08/15/2006 MOTION - MOTION FOR RETURN OF EXHIBITS GRANTED ON 08/11/2006

08/15/2006 MOTION - MOTION TO RECUSE DENIED ON 08/11/2006

COPY TO PARTIES/COUNSEL

08/15/2006 MOTION - MOTION FOR DISCOVERY FILED BY DEFENDANT ON 06/29/2006

08/15/2006 MOTION - MOTION FOR DISCOVERY GRANTED ON 08/11/2006

COPY TO PARTIES/COUNSEL

08/15/2006 HEARING - OTHER HEARING HELD ON 08/10/2006

NANCY MILLS , JUSTICE

Attorney: RONALD BOURGET
DA: ALAN KELLEY Reporter: CASE ENOCH
Defendant Present in Court

HEARING HELD ON MOTION TO REMOVE STATE EXHIBIT, DEFENSE MOTION FOR DISCOVERY, DEFENSE
MOTION TO CHANGE VENUE, DEFENSE MOTION FOR NEW TRIAL, DEFENSE MOTION TO RECUSE JUDGE AND
MOTION FOR BAIL

08/15/2006 MOTION - OTHER MOTION FILED BY DEFENDANT ON 06/29/2006

MOTION FOR NEW TRIAL

08/15/2006 MOTION - OTHER MOTION DENIED ON 08/11/2006

MOTION FOR NEW TRIAL

08/15/2006 MOTION - MOTION TO CHANGE VENUE FILED BY DEFENDANT ON 06/29/2006

08/15/2006 MOTION - MOTION TO CHANGE VENUE DENIED ON 08/11/2006

COPY TO PARTIES/COUNSEL

08/15/2006 MOTION - MOTION FOR BAIL RECONSID. FILED BY DEFENDANT ON 06/29/2006

08/15/2006 MOTION - MOTION FOR BAIL RECONSID. DENIED ON 08/11/2006

COPY TO PARTIES/COUNSEL

A TRUE COPY

ATTEST: _____

Clerk