

STATE OF MAINE

KENNEBEC, ss.

GERALD PERRI,

Petitioner

v.

STATE OF MAINE,

Respondent

RECEIVED AND FILED
KENNEBEC SUPERIOR COURT

2009 MAY -8 A 11: 29

MONTE LAMBERT
CLERK OF COURTS

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-06-760

JMS - KEN - 5/8/09

ORDER

Before this court is a petition for post-conviction review. A hearing was held on May 5, 2009. Evidence was taken by way of testimony from the petitioner Gerald Perri, as well as David Kline, and Mr. Perri's attorney during his criminal case, David Crook, Esq. Following the evidence, this court for reasons stated on the record denied the petitioner's request for post-conviction review.


The court finds and concludes that the petitioner failed to prove the allegations in ground one that he was threatened and/or coerced into entering his plea of guilty.

The court further finds and concludes that the allegations set out in ground two are also not proved. Petitioner failed to prove that even if the attorney had contacted the people he alleges in ground two, that it would have made any difference in his decision to enter a plea of guilty.

Finally, petitioner also failed to prove the allegations set out in ground three. Since this was an agreed upon disposition reached between the parties, there is no need to present mitigating circumstances to the court. Also, the other concerns that the petitioner raises in ground three were without merit.

For the reasons stated above, the court DENIES the petitioner's request for post-conviction relief.

Dated: May 8, 2009



Joseph M. Jabar
Justice, Superior Court

Attorney for petitioner:

David Paris, Esq.
72 Front St.
Bath, ME 04530-2657

Attorney for the State of Maine:

Paul Rucha, Esq.
Assistant District Attorney
Kennebec County Courthouse
95 State St.
Augusta, ME 04333

GERALD PERRI
vs
STATE OF MAINE

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2006-00760

DOCKET RECORD

PL. DOB: 02/01/1969
PL. ATTY: DAVID PARIS
72 FRONT STREET
BATH ME 04530-2657
APPOINTED 08/22/2006

State's Attorney: EVERT FOWLE

Filing Document: PETITION
Filing Date: 07/18/2006

Major Case Type: POST CONVICTION REVIEW

Charge (s)

Docket Events:

07/18/2006 FILING DOCUMENT - PETITION FILED ON 07/18/2006

07/18/2006 POST CONVIC. REVIEW - REVIEW SENT FOR REVIEW ON 07/18/2006

08/18/2006 POST CONVIC. REVIEW - ASSIGNMENT ASSIGNED TO DOCKET ON 08/16/2006

08/24/2006 MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 08/22/2006

08/24/2006 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 08/22/2006

COPY TO PARTIES/COUNSEL

08/24/2006 Party(s): GERALD PERRI
ATTORNEY - APPOINTED ORDERED ON 08/22/2006

Attorney: DAVID PARIS

08/25/2006 ORDER - SPECIAL ASSIGNMENT ENTERED ON 08/17/2006

ASSIGNED TO JUSTICE STUDSTRUP

09/19/2006 MOTION - MOTION FOR ENLARGEMENT OF TIME FILED BY PETITIONER ON 09/18/2006

09/19/2006 ORDER - TRANSCRIPT ORDER FILED ON 09/18/2006

09/27/2006 MOTION - MOTION TO PREPARE TRANSCRIPT FILED BY STATE ON 09/25/2006

MAILED TO ELECTRONIC RECORDING

09/27/2006 MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 09/25/2006

COPY TO PARTIES/COUNSEL

GIVEN

ADDITIONAL 30 DAYS TO FILE AMENDED PETITION.

11/28/2006 OTHER FILING - TRANSCRIPT FILED ON 11/27/2006

01/23/2007 SUPPLEMENTAL FILING - AMENDED PETITION FILED ON 01/23/2007

02/08/2007 POST CONVIC. REVIEW - RESPONSE TO PETITION FILED ON 02/08/2007

02/08/2007 MOTION - MOTION TO DISMISS FILED BY STATE ON 02/08/2007

05/22/2007 POST CONVIC. REVIEW - PCR CONFERENCE SCHEDULED FOR 06/12/2007 @ 8:30

05/22/2007 POST CONVIC. REVIEW - PCR CONFERENCE NOTICE SENT ON 05/22/2007

06/15/2007 POST CONVIC. REVIEW - PCR CONFERENCE HELD ON 06/12/2007

S KIRK STUDSTRUP , JUSTICE

Attorney: DAVID PARIS

DA: PAUL RUCHA

Defendant Not Present in Court

HEARING TO TAKE PROBABLY 2 HOURS AND TO BE HELD AT THE MSP IN WARREN

09/19/2008 POST CONVIC. REVIEW - ASSIGNMENT ASSIGNED TO JUSTICE ON 09/15/2008

JOSEPH M JABAR , JUSTICE

10/31/2008 POST CONVIC. REVIEW - PCR CONFERENCE SCHEDULED FOR 12/04/2008 @ 11:30

JOSEPH M JABAR , JUSTICE

10/31/2008 POST CONVIC. REVIEW - PCR CONFERENCE NOTICE SENT ON 10/31/2008

12/08/2008 POST CONVIC. REVIEW - PCR CONFERENCE HELD ON 12/04/2008

JOSEPH M JABAR , JUSTICE

Attorney: DAVID PARIS

DA: PAUL RUCHA

12/08/2008 ORDER - COURT ORDER FILED ON 12/04/2008

JOSEPH M JABAR , JUSTICE

A PRE-HEARING CONF. WAS HELD ON 12/4/08. IT IS HEREBY ORDERED THAT THE PETITIONER HAS UNTIL APRIL 1, 2009 TO FILE HIS RESPONSE TO THE RESPONDENT'S MOTION TO DISMISS. FAILURE OF THE PETITIONER TO RESPOND MAY RESULT IN DISMISSAL OF HIS ACTION. IT IS FURTHER ORDERED THAT THE PARTIES FILE WITNESS LISTS BY APRIL 1, 2009. THIS CASE WILL BE SET FOR HEARING DURING THE MONTH OF MAY 2009

04/01/2009 OTHER FILING - WITNESS LIST FILED BY DEFENDANT ON 04/01/2009

04/01/2009 OTHER FILING - OTHER DOCUMENT FILED ON 04/01/2009

PETITIONER'S RESPONSE TO MOTION TO DISMISS AND CLARIFICATION OF GROUND 2 AND 3 OF PÉTITION FOR POST CONVICTION REVIEW

04/14/2009 HEARING - EVIDENTIARY HEARING SCHEDULED FOR 05/05/2009 @ 1:00 in Room No. 2

JOSEPH M JABAR , JUSTICE

NOTICE TO PARTIES/COUNSEL

04/14/2009 HEARING - EVIDENTIARY HEARING NOTICE SENT ON 04/14/2009

04/14/2009 WRIT - HABEAS CORPUS TO PROSECUTE ISSUED ON 04/14/2009

CERTIFIED COPY TO SHERIFF DEPT.

05/06/2009 HEARING - EVIDENTIARY HEARING HELD ON 05/05/2009

JOSEPH M JABAR , JUSTICE

Attorney: DAVID PARIS

DA: PAUL RUCHA

Reporter: JANETTE COOK

Defendant Present in Court

05/08/2009 FINDING - DENIED ENTERED BY COURT ON 05/08/2009

JOSEPH M JABAR , JUSTICE

05/08/2009 ORDER - COURT ORDER ENTERED ON 05/08/2009

JOSEPH M JABAR , JUSTICE

DENIAL OF POST

CONVICTION REVIEW

A TRUE COPY

ATTEST: _____
Clerk