

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CRIMINAL ACTION
Docket No. CR-12-534
CR-12-942
CR-08-480

DHM-KEN-9/23/2013

STATE OF MAINE

v.

ORDER

COLLIN R. GIROUX,

Defendant

Before the court is Defendant's amended motion to withdraw his plea of guilty. On December 9, 2012, Defendant pled guilty to burglary and theft counts in docket number CR-12-534, to a violation of conditions of release in CR-12-942 and admitted to a probation revocation motion in CR-02-480. The matter was continued for sentencing and the completion of a third Title 15 type evaluation. In the Defendant's motion, he cites language from a January 14, 2013 report of Andrew Wisch, Ph.D. that, "Mr. Giroux's lifelong pattern of stealing, including his thefts at the time of the index offenses, appears to be the direct result of his Kleptomania and his personality disorder."

In Defendant's motion he argues that this DSM IV diagnosis is sufficient to allow the Defendant to defend the necessary elements associated with the mental state required to be proven beyond a reasonable doubt against him, suggesting the introduction of an argument for an abnormal state of mind. The Defendant argues that he should be allowed to withdraw his plea so that he can proceed to a contested trial utilizing the psychological evaluation conclusion. Therefore, before the court is the issue of whether the diagnosis of kleptomania could present a defense to a theft charge.

Kleptomania is an irresistible desire to steal. *State v. McCullough*, 114 Iowa 532, 87 N.W. 503, 504 (Iowa 1901). It is a “weakening of the will power to such an extent as to leave the afflicted one powerless to control his impulse to appropriate the personal property of others, without regard to whether such impulse is inspired by avarice, greed, or idle fancy.” *Id.*

As defined above, kleptomania appears to be a valid defense to a charge of theft or larceny in those jurisdictions that either recognize the doctrine of irresistible impulse or include a volitional prong in their insanity defense statutes.¹ Considering that in most instances kleptomaniacs acknowledge that their acts of theft are wrong,² this defense will be inapplicable in jurisdictions with insanity defense statutes that only include a cognitive prong. In Maine, the relevant statute is 17-A M.R.S.A. §§ 38–39. In 1986, section 39 was specifically amended to eliminate the control prong of the American Law Institute (“A.L.I.”) test³ by deleting the following portion of the earlier version of the statute: “an accused is not criminally responsible if . . . he either lacked substantial capacity to conform his conduct to the requirements of the law . . . ” and

¹ See, e.g., *Attorney Grievance Comm’n of Maryland v. Nothstein*, 300 Md. 667 (Md. 1984) (holding that diagnosis of kleptomania is a factor in making a determination on whether defendant was able to control his behavior and thus, should be relieved from punishment).

² See, e.g., *State v. Darnell*, 858 S.W.2d 739 (Mo. 1993) (where defendant diagnosed with kleptomania, after committing theft, apologized profusely for her actions and admitted it was wrong and against the law). See also 2 Mod. Sci. Evidence § 9:45 (2012-2013 Edition) (“Persons who have kleptomania “know” that stealing is illegal and do not feel justified in their actions, just as persons who suffer from pyromania “know” that it is illegal and wrong to set fires that destroy property or harm others.”)

³ The A.L.I. test reads as follows: (1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law; (2) As used in this Article, the terms “mental disease or defect” do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct. Wayne R. LaFare, *Substantive Criminal Law* § 7.5 (2d ed. 2012).

limiting Maine insanity standard to the A.L.I. cognitive prong alone. Thus, due to this change in law, Maine courts do not treat kleptomania as the kind of insanity defined in 17-A M.R.S.A. § 39.

Section 38 provides that evidence of a mental abnormality may raise a reasonable doubt whether a defendant had the required culpable mental state to commit a crime. *State v. Abbott*, 622 A.2d 723, 725 (Me. 1993). In other words, evidence of a defendant's mental deficiency that does not amount to legal insanity may nevertheless be admissible to show his lack of capacity to entertain the mental state required for commission of a crime. *See* 2 Wharton's Criminal Law § 107 (15th ed.); 2 Subst. Crim. L. § 9.2 (2d ed.).

There are no reported Maine cases that directly address the issue of whether kleptomania is the type of mental abnormality that would negate the intent element of theft under 17-A M.R.S.A. § 353.⁴ Maine decisions, however, hold that compulsion "does not tend to negate a conscious purpose to cause the result nor show that defendant lacked conscious awareness of the circumstances of his actions." *Abbott*, 622 A.2d at 725 (quoting *State v. Mishne*, 427 A.2d 450, 455 (Me. 1981)). In *Mishne*, where the defendant was charged with robbery, kidnapping, and theft, the Law Court affirmed the trial court's decision to exclude evidence of defendant's "compulsion" to obtain drugs offered to generate doubt that Mishne's conduct was intentional. *Id.*

The court is satisfied that appropriate analysis of Maine statutes and decisions will not support the use of kleptomania as a defense to the crime of theft. As noted in *Mishne*, 427 A.2d 450, "inability to control one's actions does not negate the existence of

⁴ A person is guilty of theft if the person obtains or exercises unauthorized control over the property of another with intent to deprive the other person of the property. 17-A M.R.S.A. § 353.

culpable mental state; rather, it serves as an excuse.” (citing *State v. Ellingwood*, 409 A.2d 641, 646 (Me. 1979) and *State v. Page*, 415 A.2d 574, 577 (Me. 1980)).


Pursuant to M.R. Crim. P. 32(d), a motion to withdraw a plea of guilty may be made before sentence is imposed. However, the court is not satisfied that the defendant has a right to withdraw his plea of guilty to assert a defense of a mental state not recognized as a defense to the criminal charge under Maine law.

Accordingly, the entry will be:

Defendant’s amended motion to withdraw a plea of guilty is DENIED.

The clerk may docket by reference.

DATED: September 23, 2013



Donald H. Marden
Superior Court Justice

STATE OF MAINE
vs
COLLIN GIROUX
68 WINTRHOP STREET
HALLOWELL ME 04347

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2012-00534

DOCKET RECORD

DOB: 01/06/1976

Attorney: RONALD BOURGET
LAW OFFICES OF RONALD W BOURGET
185 STATE ST
AUGUSTA ME 04330-6407
APPOINTED 07/11/2012

State's Attorney: EVERT FOWLE

Filing Document: CRIMINAL COMPLAINT
Filing Date: 07/06/2012

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

Charge(s)

1	BURGLARY				09/01/2011 HALLOWELL
Seq 8480	17-A	401(1)(A)	Class C		
GROTTON		/ HAL			
2	THEFT BY UNAUTHORIZED TAKING OR TRANSFER				09/01/2011 HALLOWELL
Seq 8427	17-A	353(1)(B)(4)	Class C		
GROTTON		/ HAL			
3	BURGLARY				10/24/2011 HALLOWELL
Seq 8484	17-A	401(1)(B)(4)	Class B		
GROTTON		/ HAL			
4	THEFT BY UNAUTHORIZED TAKING OR TRANSFER				10/24/2011 HALLOWELL
Seq 8427	17-A	353(1)(B)(4)	Class C		
GROTTON		/ HAL			
5	THEFT BY UNAUTHORIZED TAKING OR TRANSFER				11/21/2011 HALLOWELL
Seq 8427	17-A	353(1)(B)(4)	Class C		
GROTTON		/ HAL			

Docket Events:

07/06/2012 FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 07/06/2012

07/06/2012 Charge(s): 1,2,3,4,5
HEARING - INITIAL APPEARANCE SCHEDULED FOR 07/10/2012 at 08:30 a.m.

NOTICE TO PARTIES/COUNSEL

07/10/2012 Charge(s): 1,2,3,4,5
HEARING - INITIAL APPEARANCE HELD ON 07/10/2012

07/10/2012 Charge(s): 1,2,3,4,5
HEARING - STATUS CONFERENCE SCHEDULED FOR 09/11/2012 at 10:00 a.m.

07/10/2012 Charge(s): 1,2,3,4,5
PLEA - NO ANSWER ENTERED BY DEFENDANT ON 07/10/2012

07/10/2012 BAIL BOND - \$5,000.00 UNSECURED BAIL BOND FILED ON 07/10/2012

Bail Amt: \$5,000
Date Bailed: 07/10/2012

07/10/2012 Charge(s): 1,2,3,4,5
MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 07/10/2012

07/16/2012 Charge(s): 1,2,3,4,5
MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 07/11/2012
DONALD H MARDEN , JUSTICE
COPY TO PARTIES/COUNSEL

07/16/2012 Party(s): COLLIN GIROUX
ATTORNEY - APPOINTED ORDERED ON 07/11/2012

Attorney: RONALD BOURGET

07/16/2012 Charge(s): 1,2,3,4,5
HEARING - STATUS CONFERENCE NOTICE SENT ON 07/16/2012

07/17/2012 LETTER - FROM PARTY FILED ON 07/17/2012

DEF FILED A LETTER REQUESING ANOTHER COURT APPOINTED ATTY...DOES NOT WANT BOURGET WOULD RATHER HAVE CROOK.

08/01/2012 Charge(s): 1,2,3,4,5
MOTION - MOTION FOR MENTAL EXAMINATION FILED BY DEFENDANT ON 08/01/2012

Attorney: RONALD BOURGET

08/03/2012 Charge(s): 1,2,3,4,5
MOTION - MOTION FOR MENTAL EXAMINATION GRANTED ON 08/03/2012
M MICHAELA MURPHY , JUSTICE
COPY SENT TO STATE FORENSIC SERVICE

08/21/2012 LETTER - FROM NON-PARTY FILED ON 08/21/2012

NOTICE FOR EXAMINATION SCHEDULED ON 8/30/12 AT 9:00 AM.

09/04/2012 Charge(s): 1,2,3,4,5
HEARING - STATUS CONFERENCE NOT HELD ON 09/04/2012

SET FOR OCTOBER DOCKET CALL

09/04/2012 Charge(s): 1,2,3,4,5
HEARING - STATUS CONFERENCE SCHEDULED FOR 10/01/2012 at 08:45 a.m.

SET FOR STATUS OF MENTAL EXAM

09/26/2012 PSYCHIATRIC EXAM - COMPETENCY EVALUATION REPORT FILED ON 09/25/2012

COPY MAILED TO ATTY BOURGET..STATE DOE NOT GET A COPY UNTIL DEF ENTERS A PLEA OF NCR.

09/26/2012 PSYCHIATRIC EXAM - STAGE ONE REPORT FILED ON 09/25/2012

CRIMINAL RESPONSIBILITY REPORT. COPY MAILED TO
ATTY BOURGET...STATE DOES NOT GET A COPY UNTIL DEF ENTERS A PLEA OF NCR.

10/01/2012 Charge(s): 1,2,3,4,5
HEARING - STATUS CONFERENCE HELD ON 10/01/2012
JOHN NIVISON , JUSTICE
Defendant Present in Court

10/01/2012 Charge(s): 1,2,3,4,5
CR_200

TRIAL - DOCKET CALL SCHEDULED FOR 12/03/2012 at 09:15 a.m.

10/26/2012 MOTION - OTHER MOTION FILED BY STATE ON 10/26/2012

Attorney: ALAN KELLEY
MOTION TO KEEP CASE ON DOCKET

10/31/2012 MOTION - OTHER MOTION GRANTED ON 10/30/2012

JOHN NIVISON , JUSTICE
MOTION TO KEEP CASE ON DOCKET

11/01/2012 LETTER - FROM PARTY FILED ON 10/31/2012

Attorney: RONALD BOURGET
WAIVES CONFIDENTIALITY OF TITLE 15 REPORT, WHICH CODC CAN REVIEW.

11/01/2012 ORDER - COURT ORDER FILED ON 11/01/2012

M MICHAELA MURPHY , JUSTICE
ALL TITLE XV REPORTS MAY NOW BE REVIEWED BUT NOT COPIED BY CODC TEAM MEMBERS, WITHOUT
FURTHER ORDER OF COURT.

11/26/2012 LETTER - REQUEST FOR PROTECTION FILED ON 11/26/2012

Attorney: RONALD BOURGET

12/03/2012 Charge(s): 1,2,3,4,5

TRIAL - DOCKET CALL HELD ON 12/03/2012
DONALD H MARDEN , JUSTICE
Defendant Present in Court

12/03/2012 Charge(s): 1,2,3,4,5

TRIAL - DOCKET CALL SCHEDULED FOR 02/05/2013 at 08:30 a.m.

12/24/2012 Charge(s): 1,2,3,4,5

MOTION - MOTION FOR MENTAL EXAMINATION FILED BY DEFENDANT ON 12/24/2012

UNOPPOSED

01/03/2013 REQUEST - WAIVER OF INDICTMENT FILED ON 12/19/2012

01/03/2013 REQUEST - WAIVER OF INDICTMENT APPROVED ON 12/19/2012

DONALD H MARDEN , JUSTICE
IN OPEN COURT

01/03/2013 Charge(s): 1,2,3,4,5

MOTION - MOTION FOR MENTAL EXAMINATION GRANTED ON 12/31/2012
DONALD H MARDEN , JUSTICE
COPY SENT TO STATE FORENSIC SERVICE

01/03/2013 ORDER - COURT ORDER ENTERED ON 12/31/2012

DONALD H MARDEN , JUSTICE
ORDER FOR MENTAL EXAMINATION. COPY MAILED TO ATTY BOURGET AND DA'S OFFICE.FAX TO STATE
FORENSIC

01/03/2013 Charge(s): 1,2,3,4,5

TRIAL - DOCKET CALL NOT HELD ON 12/05/2012
DONALD H MARDEN , JUSTICE

01/03/2013 BAIL BOND - UNSECURED BAIL BOND CONTINUED AS POSTED ON 12/31/2012

DONALD H MARDEN , JUSTICE
Date Bailed: 07/10/2012

01/24/2013 PSYCHIATRIC EXAM - STAGE ONE REPORT FILED ON 01/23/2013

PRESENTENCE FILED IMPOUNDED.

02/01/2013 Charge(s): 1,2,3,4,5
HEARING - RULE 11 HEARING HELD ON 12/19/2012
DONALD H MARDEN , JUSTICE
Defendant Present in Court

READING WAIVED
02/01/2013 Charge(s): 1,2,3,4,5
PLEA - GUILTY ENTERED BY DEFENDANT ON 12/19/2012

02/01/2013 Charge(s): 1,2,3,4,5
FINDING - GUILTY ENTERED BY COURT ON 12/19/2012

02/01/2013 Charge(s): 1,2,3,4,5
FINDING - GUILTY CONT FOR SENTENCING ON 12/19/2012

02/01/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING SCHEDULED FOR 02/25/2013 at 08:30 a.m.

02/01/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING NOTICE SENT ON 02/01/2013

02/25/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING CONTINUED ON 02/25/2013
M MICHAELA MURPHY , JUSTICE
02/25/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 03/26/2013 at 10:00 a.m.

NOTICE TO PARTIES/COUNSEL
02/25/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 02/25/2013

06/20/2013 HEARING - SENTENCE HEARING CONTINUED ON 03/26/2013

06/20/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING SCHEDULED FOR 07/30/2013 at 10:00 a.m.

06/20/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING NOTICE SENT ON 06/20/2013

07/24/2013 MOTION - MOTION TO CONTINUE FILED BY STATE ON 07/24/2013

07/24/2013 MOTION - MOTION TO CONTINUE GRANTED ON 07/24/2013
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL
07/24/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING CONTINUED ON 07/24/2013

07/24/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING SCHEDULED FOR 08/13/2013 at 01:00 p.m.

07/24/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING NOTICE SENT ON 07/24/2013

08/15/2013 Charge(s): 1,2,3,4,5
HEARING - SENTENCE HEARING NOT HELD ON 08/13/2013
CR_200

08/15/2013 Charge(s) : 1,2,3,4,5

MOTION - MOTION TO WITHDRAW PLEA FILED BY DEFENDANT ON 08/13/2013

Attorney: RONALD BOURGET

08/15/2013 HEARING - MOTION TO WITHDRAW PLEA SCHEDULED FOR 08/20/2013 at 02:00 p.m.

08/15/2013 HEARING - MOTION TO WITHDRAW PLEA NOTICE SENT ON 08/15/2013

09/26/2013 HEARING - MOTION TO WITHDRAW PLEA HELD ON 08/20/2013

DONALD H MARDEN , JUSTICE

Defendant Present in Court

09/26/2013 Charge(s) : 1,2,3,4,5

MOTION - MOTION TO WITHDRAW PLEA DENIED ON 09/23/2013

DONALD H MARDEN , JUSTICE

09/26/2013 ORDER - COURT ORDER ENTERED ON 09/23/2013

PURSUANT TO MR. CRIM. P.32 (P), A MOTION TO WITHDRAW A PLEA OF GUILTY MAY BE MADE BEFORE SENTENCE IS IMPOSED. HOWEVER, THE COURT IS NOT SATISFIED THAT THE DEFENDANT HAS A RIGHT TO WITHDRAW HIS PLEA OF GUILTY TO ASSERT A DEFENSE OF A MENTAL STATE NOT RECOGNIZED AS A DEFENSE TO THE CRIMINAL CHARGE UNDER MAINE LAW. ACCORDINGLY, THE ENTRY WILL BE: DEFENDANT'S AMENDED MOTION TO WITHDRAW A PLEA OF GUILTY IS DENIED.

A TRUE COPY

ATTEST: _____

Clerk

STATE OF MAINE
vs
COLLIN GIROUX
68 WINTRHOP STREET
HALLOWELL ME 04347

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2012-00942

DOCKET RECORD

DOB: 01/06/1976

Attorney: LUANN CALCAGNI
LAW OFFICES OF LUANN L. CALCAGNI
BOX 265
WINTHROP ME 04364
APPOINTED 10/22/2012

State's Attorney: EVERT FOWLE

Filing Document: CRIMINAL COMPLAINT
Filing Date: 10/17/2012

Major Case Type: MISDEMEANOR (CLASS D,E)

Charge (s)

1 CRIMINAL MISCHIEF 10/15/2012 HALLOWELL
Seq 4959 17-A 806(1)(A) Class D

2 VIOLATING CONDITION OF RELEASE 10/15/2012 HALLOWELL
Seq 9632 15 1092(1)(A) Class E

Docket Events:

11/16/2012 Charge(s): 1,2

TRANSFER - TRANSFER FOR JURY TRIAL EDI ON 11/16/2012 at 04:34 p.m.

TRANSFERRED CASE: SENDING COURT CASEID AUGDCCR201201745
FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 10/17/2012

Charge(s): 1,2

HEARING - ARRAIGNMENT SCHEDULED FOR 10/17/2012 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

Charge(s): 1,2

HEARING - ARRAIGNMENT NOT HELD ON 10/29/2012

BAIL BOND - CASH BAIL BOND SET BY COURT ON 10/17/2012

RAE ANN FRENCH , JUDGE

BAIL BOND - CASH BAIL BOND COND RELEASE ISSUED ON 10/17/2012

RAE ANN FRENCH , JUDGE

APPEAR ON 11/20/12 AT 8:30AM

NOT TO BE IN THE AREA OF THE

LIBERTY CUP IN HALLOWELL

Charge(s): 1,2

TRIAL - BENCH SCHEDULED FOR 11/20/2012 at 08:30 a.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

Charge(s): 1,2

TRIAL - BENCH NOT HELD ON 11/16/2012

Charge(s) : 1,2
TRIAL - BENCH NOTICE SENT ON 10/25/2012

BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 10/19/2012

BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 11/16/2012

Charge(s) : 1,2
MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 10/22/2012

Charge(s) : 1,2
MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 10/22/2012
VALERIE STANFILL , JUDGE
COPY TO PARTIES/COUNSEL
Party(s) : COLLIN GIROUX
ATTORNEY - APPOINTED ORDERED ON 10/22/2012

Attorney: LUANN CALCAGNI
Charge(s) : 1,2
TRANSFER - TRANSFER FOR JURY TRIAL REQUESTED ON 11/08/2012

Charge(s) : 1,2
FINDING - TRANSFER FOR JURY TRIAL TRANSFERRED ON 11/16/2012

AUGSC
11/20/2012 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 11/20/2012

Bail Receipt Type: CR
Bail Amt: \$500

Date Bailed: 10/17/2012
Receipt Type: CK
Prvdr Name: GERARD A VACHON
Rtrn Name: GERARD A VACHON

11/20/2012 TRIAL - DOCKET CALL SCHEDULED FOR 02/05/2013 at 09:45 a.m.

11/20/2012 Charge(s) : 1,2
TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 11/16/2012

AUGDC CR-12-942
11/27/2012 BAIL BOND - CASH BAIL BOND HOLD FOR OTHER COURT ON 11/27/2012

BAIL IS CONCURRENT TO AUGSCCR200800480 HAVING BAIL ID FFR786
Date Bailed: 10/17/2012

01/11/2013 TRIAL - DOCKET CALL NOTICE SENT ON 01/08/2013

02/01/2013 TRIAL - DOCKET CALL NOT HELD ON 02/01/2013

02/01/2013 Charge(s) : 1,2
HEARING - MISDEMEANOR PLEA HELD ON 12/19/2012
DONALD H MARDEN , JUSTICE
Defendant Present in Court

READING WAIVED
CR_200

02/01/2013 Charge(s) : 1,2
PLEA - GUILTY ENTERED BY DEFENDANT ON 12/19/2012

02/01/2013 Charge(s) : 1,2
FINDING - GUILTY ENTERED BY COURT ON 12/19/2012

02/01/2013 Charge(s) : 1,2
FINDING - GUILTY CONT FOR SENTENCING ON 12/19/2012

02/01/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING SCHEDULED FOR 02/25/2013 at 08:30 a.m.

02/01/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING NOTICE SENT ON 02/01/2013

02/25/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING CONTINUED ON 02/25/2013
M MICHAELA MURPHY , JUSTICE

02/25/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 03/26/2013 at 10:00 a.m.

NOTICE TO PARTIES/COUNSEL

02/25/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 02/25/2013

06/20/2013 HEARING - SENTENCE HEARING CONTINUED ON 03/26/2013

06/20/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING SCHEDULED FOR 07/30/2013 at 10:00 a.m.

06/20/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING NOTICE SENT ON 06/20/2013

07/24/2013 MOTION - MOTION TO CONTINUE FILED BY STATE ON 07/24/2013

07/24/2013 MOTION - MOTION TO CONTINUE GRANTED ON 07/24/2013
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL

07/24/2013 Charge(s) : 1,2
HEARING - SENTENCE HEARING CONTINUED ON 07/24/2013

07/24/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 08/13/2013 at 01:00 p.m.

07/24/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 07/24/2013

08/15/2013 Charge(s) : 1,2
MOTION - MOTION TO WITHDRAW PLEA FILED BY DEFENDANT ON 08/13/2013

Attorney: RONALD BOURGET

08/15/2013 HEARING - MOTION TO WITHDRAW PLEA SCHEDULED FOR 08/20/2013 at 02:00 p.m.

08/15/2013 HEARING - MOTION TO WITHDRAW PLEA NOTICE SENT ON 08/15/2013

09/26/2013 HEARING - MOTION TO WITHDRAW PLEA HELD ON 08/20/2013
DONALD H MARDEN , JUSTICE

Defendant Present in Court

09/26/2013 HEARING - SENTENCE HEARING NOT HELD ON 08/13/2013

09/26/2013 Charge(s): 1,2

MOTION - MOTION TO WITHDRAW PLEA DENIED ON 09/23/2013

DONALD H MARDEN , JUSTICE

09/26/2013 ORDER - COURT ORDER ENTERED ON 09/23/2013

DONALD H MARDEN , JUSTICE

PURSUANT TO MR. CRIM. P.32(D), A MOTION TO WITHDRAW A PLEA OF GUILTY MAY BE MADE BEFORE SENTENCE IS IMPOSED. HOWEVER, THE COURT IS NOT SATISFIED THAT THE DEFENDANT HAS A RIGHT TO WITHDRAW HIS PLEA OF GUILTY TO ASSERT A DEFENSE OF A MENTAL STATE NOT RECOGNIZED AS A DEFENSE TO THE CRIMINAL CHARGE UNDER MAINE LAW. ACCORDINGLY, THE ENTRY WILL BE: DEFENDANT;S AMENDED MOTION TO WITHDRAW A PLEA OF GUILTY IS DENIED.

A TRUE COPY

ATTEST: _____

Clerk

STATE OF MAINE
vs
COLLIN GIROUX
22 CUSHMAN STREET
AUGUSTA ME 04330

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2008-00480

DOCKET RECORD

DOB: 01/06/1976

Attorney: RONALD BOURGET
LAW OFFICES OF RONALD W BOURGET
185 STATE ST
AUGUSTA ME 04330-6407
APPOINTED 07/31/2012

State's Attorney: EVERT FOWLE

Filing Document: INDICTMENT
Filing Date: 06/26/2008

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

Charge (s)

1	BURGLARY			05/19/2008 AUGUSTA
Seq	8484	17-A	401(1)(B)(4)	Class B
2	THEFT BY UNAUTHORIZED TAKING OR TRANSFER,			05/19/2008 AUGUSTA
	priors			
Seq	8429	17-A	353(1)(B)(6)	Class C
3	AGGRAVATED CRIMINAL MISCHIEF			05/19/2008 AUGUSTA
Seq	779	17-A	805(1)(A)	Class C

Docket Events:

06/26/2008 FILING DOCUMENT - INDICTMENT FILED ON 06/26/2008

TRANSFER - BAIL AND PLEADING GRANTED ON 06/26/2008

TRANSFER - BAIL AND PLEADING REQUESTED ON 06/26/2008

06/26/2008 Charge(s): 1,2,3
WARRANT - ON COMP/INDICTMENT ORDERED ON 06/26/2008
JOHN NIVISON , JUSTICE

06/26/2008 BAIL BOND - \$5,000.00 SURETY BAIL BOND SET BY COURT ON 06/26/2008

06/26/2008 BAIL BOND - \$500.00 CASH BAIL BOND SET BY COURT ON 06/26/2008

06/26/2008 Charge(s): 1,2,3
WARRANT - ON COMP/INDICTMENT ISSUED ON 06/26/2008

CERTIFIED COPY TO WARRANT REPOSITORY

07/15/2008 MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 07/15/2008

07/17/2008 Charge(s): 1,2,3
HEARING - ARRAIGNMENT HELD ON 07/16/2008

Attorney: DAVID CROOK
Defendant Present in Court

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

07/17/2008 Charge(s): 1,2,3

PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 07/16/2008

07/17/2008 BAIL BOND - \$5,000.00 CASH BAIL BOND SET BY COURT ON 07/17/2008

07/17/2008 Charge(s): 1,2,3

TRIAL - DOCKET CALL SCHEDULED FOR 11/04/2008

07/21/2008 Charge(s): 1,2,3

WARRANT - ON COMP/INDICTMENT EXECUTED ON 07/16/2008

07/21/2008 Charge(s): 1,2,3

WARRANT - ON COMP/INDICTMENT RETURNED ON 07/21/2008

07/21/2008 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 07/21/2008

NANCY MILLS , JUSTICE

COPY TO PARTIES/COUNSEL

07/21/2008 Party(s): COLLIN GIROUX

ATTORNEY - APPOINTED ORDERED ON 07/21/2008

Attorney: DAVID CROOK

07/23/2008 Charge(s): 1,2,3

HEARING - RULE 11 HEARING SCHEDULED FOR 07/24/2008 at 08:00 a.m.

NOTICE TO PARTIES/COUNSEL

07/24/2008 Charge(s): 1,2,3

TRIAL - DOCKET CALL NOT HELD ON 07/24/2008

07/24/2008 Charge(s): 1,2,3

HEARING - RULE 11 HEARING HELD ON 07/24/2008

NANCY MILLS , JUSTICE

READING WAIVED

07/24/2008 Charge(s): 1,2

PLEA - GUILTY ENTERED BY DEFENDANT ON 07/24/2008

07/24/2008 Charge(s): 1,2

FINDING - GUILTY ENTERED BY COURT ON 07/24/2008

NANCY MILLS , JUSTICE

07/24/2008 Charge(s): 1

RULING - ORIGINAL ORDERED ON 07/24/2008

NANCY MILLS , JUSTICE

It is adjudged that the defendant is guilty of 1 BURGLARY 17-A 401(1)(B)(4) Class B as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 8 year(s).

It is ordered that all but 3 year(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 3 year(s) upon conditions attached hereto and incorporated by reference herein.

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

It is ordered that the defendant forfeit and pay the sum of \$5519.00 as restitution through the District Attorney's Office.

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.
not own, possess or use any firearm or dangerous weapon.

submit to random search and testing for drugs at the direction of a law enforcement officer.

pay restitution as stated earlier.

NOT ALLOWED ON THE PREMISES OF HALLOWELL PRERELEASE CENTER UNLESS IN CUSTODY.

Have no contact of any kind with MARK WALKER and the family of said person.
Have no contact of any kind with SUSAN WALKER and the family of said person.

07/24/2008 Charge(s): 1
RULING - ORIGINAL ISSUED ON 07/24/2008
NANCY MILLS , JUSTICE
DEFENDANT ACKNOWLEDGES RECEIPT

07/24/2008 Charge(s): 2
RULING - ORIGINAL ORDERED ON 07/24/2008
NANCY MILLS , JUSTICE
It is adjudged that the defendant is guilty of 2 THEFT BY UNAUTHORIZED TAKING OR TRANSFER, priors 17-A 353(1)(B)(6) Class C as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 2 year(s).

This sentence to be served concurrently with: KENSCCR200800480 Charge: 1

Note : CONCURRENT WITH COUNT I

\$ 25 VICTIMS COMPENSATION FUND
TOTAL DUE:\$ 25.00.

07/24/2008 Charge(s) : 2

RULING - ORIGINAL ISSUED ON 07/24/2008

NANCY MILLS , JUSTICE

DEFENDANT ACKNOWLEDGES RECEIPT

07/24/2008 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 07/24/2008

INSTALLMENT PYMTS: 0;DAILY: F;WEEKLY: F;BI-WEEKLY: F;MONTHLY: F;BI-MONTHLY: F;PYMT BEGIN:
AT 0;PYMT IN FULL: 20110924 AT 0;THRU PPO: F;PYMT DUE AMT: 50;PMT DUE: 20110924 AT
0;OTHER:

07/25/2008 Charge(s) : 3

FINDING - DIS BY DA/AG-PLED OTHER CHARGE ENTERED ON 07/25/2008

06/13/2011 Charge(s) : 1

FILING DOCUMENT - FIRST MOTION PROB REVOCATION FILED ON 06/13/2011

TOGETHER WITH AFFIDAVIT IN SUPPORT OF PC

06/13/2011 HEARING - PV INITIAL APPEARANCE SCHEDULED FOR 06/13/2011 at 01:00 p.m.

06/13/2011 HEARING - PV INITIAL APPEARANCE HELD ON 06/13/2011

06/20/2011 PLEA - ADMIT ENTERED BY DEFENDANT ON 06/13/2011

06/20/2011 Charge(s) : 1

FINDING - PROBATION VIOLATED ENTERED BY COURT ON 06/13/2011

06/20/2011 Charge(s) : 1

RULING - PROBATION REVOCATION ORDERED ON 06/13/2011

ROBERT E MURRAY JR, JUSTICE

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 partially revoked.

The court orders that the defendant serve 7 Day(s) of the suspended portion of the sentence and that the probationary period continue in effect as provided by law.

Defendant shall serve the foregoing sentence at County Jail.

06/20/2011 Charge(s) : 1

RULING - PROBATION REVOCATION ISSUED ON 06/13/2011

ROBERT E MURRAY JR, JUSTICE

12/19/2011 FILING DOCUMENT - SECOND MOTION PROB REVOCATION FILED ON 12/19/2011

TOGETHER WITH AFFIDAVIT IN SUPPORT OF PC

12/20/2011 Charge(s) : 1,2

HEARING - PV INITIAL APPEARANCE HELD ON 12/19/2011

JOHN NIVISON , JUSTICE

Defendant Present in Court

12/20/2011 Charge(s) : 1,2

PLEA - DENY ENTERED BY DEFENDANT ON 12/19/2011

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Printed on: 09/26/2013

12/20/2011 BAIL BOND - NO BAIL ALLOWED SET BY COURT ON 12/19/2011
JOHN NIVISON , JUSTICE
12/20/2011 HEARING - PROBATION REVOCATION SCHEDULED FOR 01/04/2012 at 08:30 a.m.
12/22/2011 MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 12/22/2011
12/23/2011 Party(s): COLLIN GIROUX
ATTORNEY - APPOINTED ORDERED ON 12/22/2011

Attorney: ARNOLD CLARK

01/12/2012 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 12/22/2011
NANCY MILLS , JUSTICE
01/12/2012 HEARING - PROBATION REVOCATION NOT HELD ON 01/04/2012

01/12/2012 Charge(s): 1
PLEA - ADMIT ENTERED BY DEFENDANT ON 01/04/2012

01/12/2012 Charge(s): 1
FINDING - PROBATION VIOLATED ENTERED BY COURT ON 01/04/2012

01/12/2012 Charge(s): 1
RULING - PROBATION REVOCATION ORDERED ON 01/04/2012
M MICHAELA MURPHY , JUSTICE -
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 partially revoked.

The court orders that the defendant serve 9 Month(s) of the suspended portion of the sentence and that the probationary period continue in effect as provided by law.

Special Conditions of Probation:

1. refrain from all criminal conduct and violation of federal, state and local laws.

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.
- 12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.
- 12b. If convicted of an offense requiring registration under the Sex Offender Registration and Notification Act, fully comply with the requirements of that statute.

01/12/2012 Charge(s): 1
RULING - PROBATION REVOCATION ISSUED ON 01/04/2012
M MICHAELA MURPHY , JUSTICE

01/12/2012 Charge(s): 1
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RULING - AMENDMENT ORDERED ON 01/04/2012

M MICHAELA MURPHY , JUSTICE

It is adjudged that the defendant is guilty of 1 BURGLARY 17-A 401(1)(B)(4) Class B as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 8 year(s).

It is ordered that all but 3 year(s) of the sentence as it relates to confinement be suspended.

It is ordered that the defendant be placed on a period of probation for a term of 3 year(s) upon conditions attached hereto and incorporated by reference herein.

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

It is ordered that the defendant forfeit and pay the sum of \$5519.00 as restitution through the District Attorney's Office.

Othr: WITHIN 35 MONTHS OF PROBATION

\$ 25 VICTIMS COMPENSATION FUND

TOTAL DUE:\$ 25.00.

Special Conditions of Probation:

1. refrain from all criminal conduct and violation of federal, state and local laws.

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.

12a. provide a DNA sample if convicted of applicable offense listed in 25 MRSA Section 1574.

12b. If convicted of an offense requiring registration under the Sex Offender Registration and Notification Act, fully comply with the requirements of that statute.

CURFEW FROM 9:00PM TO 6:00AM

Have no contact of any kind with MARK WALKER and the family of said person.

Have no contact of any kind with SUSAN WALKER and the family of said person.

01/12/2012 Charge(s): 1

RULING - AMENDMENT ISSUED ON 01/04/2012

M MICHAELA MURPHY , JUSTICE

06/19/2012 Charge(s): 1

FILING DOCUMENT - SUBSEQ MOTION PROB REVOCATION FILED ON 06/19/2012

TOGETHER WITH AFFIDAVIT IN SUPPORT OF PC

06/20/2012 Charge(s): 1

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HEARING - INITIAL APPEARANCE SCHEDULE OTHER COURT ON 06/20/2012 at 01:00 p.m.

WATDC

06/22/2012 Charge(s): 1

HEARING - INITIAL APPEARANCE HELD ON 06/20/2012

06/22/2012 Charge(s): 1

HEARING - PROBATION REVOCATION SCHEDULED FOR 09/04/2012 at 08:30 a.m.

06/22/2012 Charge(s): 1

PLEA - DENY ENTERED BY DEFENDANT ON 06/20/2012

06/22/2012 BAIL BOND - PR BAIL BOND SET BY COURT ON 06/20/2012

06/22/2012 MOTION - MOTION FOR APPOINTMENT OF CNSL FILED BY DEFENDANT ON 06/20/2012

06/22/2012 BAIL BOND - PR BAIL BOND FILED ON 06/22/2012

Date Bailed: 06/20/2012

06/28/2012 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 06/25/2012

NANCY MILLS , JUSTICE

06/28/2012 Party(s): COLLIN GIROUX

ATTORNEY - APPOINTED ORDERED ON 06/25/2012

Attorney: STEPHEN BOURGET

07/19/2012 MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED BY COUNSEL ON 07/18/2012

07/20/2012 MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 07/19/2012

M MICHAELA MURPHY , JUSTICE

07/20/2012 Party(s): COLLIN GIROUX

ATTORNEY - WITHDRAWN ORDERED ON 07/19/2012

Attorney: STEPHEN BOURGET

07/20/2012 Charge(s): 1

HEARING - PROBATION REVOCATION NOTICE SENT ON 08/02/2012

07/27/2012 Charge(s): 1

MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED BY COUNSEL ON 07/27/2012

08/02/2012 Charge(s): 1

MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 07/31/2012

NANCY MILLS , JUSTICE

08/02/2012 Party(s): COLLIN GIROUX

ATTORNEY - WITHDRAWN ORDERED ON 07/31/2012

Attorney: DAVID CROOK

08/02/2012 Party(s): COLLIN GIROUX

ATTORNEY - APPOINTED ORDERED ON 07/31/2012

Attorney: RONALD BOURGET

08/30/2012 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 08/30/2012

Attorney: RONALD BOURGET

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09/13/2012 MOTION - MOTION TO CONTINUE GRANTED ON 09/04/2012
M MICHAELA MURPHY , JUSTICE

09/13/2012 Charge(s) : 1
HEARING - PROBATION REVOCATION CONTINUED ON 09/04/2012
M MICHAELA MURPHY , JUSTICE

09/13/2012 HEARING - PROBATION REVOCATION SCHEDULED FOR 12/03/2012 at 09:15 a.m.

09/13/2012 PSYCHIATRIC EXAM - STAGE ONE EXAM ORDERED ON 09/10/2012
M MICHAELA MURPHY , JUSTICE

10/19/2012 Charge(s) : 1
FILING DOCUMENT - SUBSEQ MOTION PROB REVOCATION FILED ON 10/18/2012

TOGETHER WITH AFFIDAVIT IN SUPPORT OF PC

10/19/2012 HEARING - PV INITIAL APPEARANCE SCHEDULED FOR 11/27/2012 at 08:30 a.m.

11/01/2012 LETTER - FROM PARTY FILED ON 10/31/2012

Attorney: RONALD BOURGET
WAIVING CONFIDENTIALITY OF TITLE 15 REPORT, WHICH CODC CAN REVIEW.

11/01/2012 ORDER - COURT ORDER ENTERED ON 11/01/2012
M MICHAELA MURPHY , JUSTICE
ALL TITLE XV REPORTS MAY NOW BE REVIEWED BUT NOT COPIED BY CODC TEAM MEMBERS, WITHOUT
FURTHER ORDER OF COURT.

11/26/2012 LETTER - REQUEST FOR PROTECTION FILED ON 11/26/2012

Attorney: RONALD BOURGET

11/27/2012 HEARING - PV INITIAL APPEARANCE HELD ON 11/27/2012
M MICHAELA MURPHY , JUSTICE
Defendant Present in Court

11/27/2012 Charge(s) : 1
PLEA - DENY ENTERED BY DEFENDANT ON 11/27/2012

11/27/2012 BAIL BOND - \$500.00 CASH BAIL BOND SET BY COURT ON 11/27/2012
M MICHAELA MURPHY , JUSTICE
CONCURRENT WITH AUGSC-CR-12-942 AND NOT USE OR POSSESSION OF ALCOHOL OR ILLEGAL DRUGS,
SUBMIT TO SEARCH AND TESTING AT ANY TIME WITHOUT PROBABLE CAUSE

11/27/2012 BAIL BOND - CASH BAIL BOND COMMITMENT ISSUED ON 11/27/2012
M MICHAELA MURPHY , JUSTICE

11/27/2012 BAIL BOND - CONCURRENT BAIL BOND FILED ON 11/27/2012

BAIL IS CONCURRENT TO AUGSCCR201200942 HAVING BAIL ID GGF038 AS PRIMARY.

11/27/2012 HEARING - PROBATION REVOCATION SCHEDULED FOR 02/06/2013 at 08:30 a.m.

12/03/2012 BAIL BOND - PR BAIL BOND BAIL RELEASED ON 12/03/2012

Date Bailed: 06/20/2012

12/03/2012 HEARING - PROBATION REVOCATION CONTINUED ON 12/03/2012

12/03/2012 HEARING - PROBATION REVOCATION SCHEDULED FOR 12/19/2012 at 08:30 a.m.

12/03/2012 BAIL BOND - PR BAIL BOND RELEASE ACKNOWLEDGED ON 12/03/2012

Date Bailed: 06/20/2012

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12/03/2012 HEARING - PROBATION REVOCATION NOT HELD ON 12/03/2012

12/03/2012 HEARING - PROBATION REVOCATION NOTICE SENT ON 12/03/2012

12/24/2012 Charge(s): 1
MOTION - MOTION FOR MENTAL EXAMINATION FILED BY DEFENDANT ON 12/24/2012

01/03/2013 Charge(s): 1
MOTION - MOTION FOR MENTAL EXAMINATION GRANTED ON 12/31/2012
DONALD H MARDEN , JUSTICE

01/03/2013 ORDER - COURT ORDER ENTERED ON 12/31/2012
DONALD H MARDEN , JUSTICE
ORDER FOR MENTAL EXAMINATION. COPY MAILED TO ATTY BOURGET AND DA'S OFFICE.FAXED TO STATE
FORENSIC ON 1/3/13.

01/03/2013 HEARING - PROBATION REVOCATION CONTINUED ON 12/19/2012
DONALD H MARDEN , JUSTICE

01/03/2013 BAIL BOND - CONCURRENT BAIL BOND CONTINUED AS POSTED ON 12/19/2012
DONALD H MARDEN , JUSTICE

01/18/2013 Charge(s): 1
MOTION - MOTION AMEND COND PROBATION FILED BY STATE ON 01/18/2013

01/24/2013 PSYCHIATRIC EXAM - STAGE ONE REPORT FILED ON 01/23/2013

PRESENTENCE. FILED IMPOUNDED

02/01/2013 PLEA - ADMIT ENTERED BY DEFENDANT ON 12/19/2012

02/01/2013 Charge(s): 1
FINDING - PROBATION VIOLATED ENTERED BY COURT ON 12/19/2012

02/01/2013 Charge(s): 1
FINDING - PROBATION VIOLATED CONT FOR SENTENCING ON 12/19/2012

02/01/2013 Charge(s): 1
HEARING - SENTENCE HEARING SCHEDULED FOR 02/25/2013 at 08:30 a.m.

02/01/2013 Charge(s): 1
HEARING - SENTENCE HEARING NOTICE SENT ON 02/01/2013

02/25/2013 Charge(s): 1
HEARING - SENTENCE HEARING CONTINUED ON 02/25/2013
M MICHAELA MURPHY , JUSTICE

02/25/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 03/26/2013 at 10:00 a.m.

02/25/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 02/25/2013

06/20/2013 HEARING - SENTENCE HEARING CONTINUED ON 03/26/2013

06/20/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 07/30/2013 at 10:00 a.m.

06/20/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 06/20/2013

07/24/2013 MOTION - MOTION TO CONTINUE FILED BY STATE ON 07/24/2013

07/24/2013 MOTION - MOTION TO CONTINUE GRANTED ON 07/24/2013
M MICHAELA MURPHY , JUSTICE
07/24/2013 HEARING - SENTENCE HEARING CONTINUED ON 07/24/2013
07/24/2013 HEARING - SENTENCE HEARING SCHEDULED FOR 08/13/2013 at 01:00 p.m.
07/24/2013 HEARING - SENTENCE HEARING NOTICE SENT ON 07/24/2013
08/15/2013 MOTION - OTHER MOTION FILED BY DEFENDANT ON 08/13/2013

Attorney: RONALD BOURGET
MOTION TO WITHDRAW PLEA

08/15/2013 HEARING - OTHER MOTION SCHEDULED FOR 08/20/2013 at 02:00 p.m.

MOTION TO WITHDRAW PLEA

08/15/2013 HEARING - OTHER MOTION NOTICE SENT ON 08/15/2013

MOTION TO WITHDRAW PLEA

09/26/2013 HEARING - OTHER MOTION HELD ON 08/20/2013
DONALD H MARDEN , JUSTICE
Defendant Present in Court

MOTION TO WITHDRAW PLEA

09/26/2013 HEARING - SENTENCE HEARING NOT HELD ON 08/13/2013

09/26/2013 MOTION - OTHER MOTION DENIED ON 09/23/2013
DONALD H MARDEN , JUSTICE

MOTION TO WITHDRAW PLEA

09/26/2013 ORDER - COURT ORDER ENTERED ON 09/23/2013
DONALD H MARDEN , JUSTICE

PURSUANT TO M.R. CRIM. PROC. 32(D), A MOTION TO WITHDRAW A PLEA OF GUILTY MAY BE MADE BEFORE SENTENCE IS IMPOSED. HOWEVER, THE COURT IS NOT SATISFIED THAT THE DEFENDANT HAS A RIGHT TO WITHDRAW HIS PLEA OF GUILTY TO ASSEDT A DEFENSE OF A MENTAL STATE NOT RECOGNIZED AS A DEFENSE TO THE CRIMINAL CHARGE UNDER MAINE LAW. ACCORDINGLY, THE ENTRY WILL BE: DEFENDANT'S AMENDED MOTION TO WITHDRAW A PLEA OF GUILTY IS DENIED.

Receipts

08/09/2010	Case Payment	\$50.00	OL	paid.
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FINE PAYMENT SCHEDULE

Execution/payment stayed to pay in full by 09/24/2011 or warrant to issue.

A TRUE COPY

ATTEST: _____

Clerk