

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CRIMINAL ACTION
Docket No. CR-11-061

RE MAINE KENNEBEC 2011

STATE OF MAINE

v.

CASEY GILLESPIE,

Defendant

**ORDER GRANTING MOTION TO
PROVIDE INVESTIGATIVE
INFORMATION**

Defendant filed his motion dated March 4, 2011, to require the District Attorney to provide certain investigative information. The court heard argument from both parties on the pending motion on March 11, 2011. Defendant specifically seeks investigative information in the District Attorney's possession relating to two OUI convictions relating to the named victim in this matter, Heather L. Groder. Defendant is entitled to the conviction data itself pursuant to 16 M.R.S.A. § 615.

Any additional investigative information in the possession of the District Attorney relating to the two OUI convictions at issue would generally be confidential under 16 M.R.S.A. § 614. Defendant's motion and argument to the court contends that there may be information within the confidential records in the possession of the District Attorney that relate directly to the defendant's theory of his defense in the pending matter relating to the allegedly extreme level of intoxication of the victim in this case. Without addressing, at this time, the actual relevance or admissibility of any such information which might be obtained by the defendant on this subject, the court concludes that the specific request of information in the possession of the District Attorney specifically relating to the two convictions of Heather Groder for OUI in the Augusta District Court and the Waterville District Court would be information that

would not unreasonably impact any of the factors set forth in 16 M.R.S.A. § 614(1)(A-K). Therefore, in accordance with 16 M.R.S.A. § 614(3)(C)(2), the court hereby orders the District Attorney to provide the defendant's attorney with a copy of any such investigative information in its possession within 15 days of the date of this order. Defendant or his attorney shall be precluded from any further dissemination of such investigative information beyond its actual use in the pending matter.

DATED: 3/22/11



Robert E. Murray
Justice, Superior Court

STATE OF MAINE
vs
CASEY L GILLESPIE
226 JUNCTION ROAD
BELGRADE ME 04917

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2011-00061

DOCKET RECORD

DOB: 07/21/1985

Attorney: JAMES FLICK
LAW OFFICE
79 MAIN ST
WINTHROP ME 04364-1439
RETAINED 01/19/2011

State's Attorney: TRACY DEVOLL

Filing Document: CRIMINAL COMPLAINT
Filing Date: 12/13/2010

Major Case Type: MISDEMEANOR (CLASS D,E)

Charge(s)

1	DOMESTIC VIOLENCE ASSAULT		12/12/2010 BELGRADE
Seq 11286	17-A 207-A(1) (A)	Class D	
KEATEN	/ MSP		
2	ASSAULT		12/12/2010 BELGRADE
Seq 8382	17-A 207(1) (A)	Class D	
KEATEN	/ MSP		

Docket Events:

01/26/2011 Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL EDI ON 01/26/2011 @ 18:00

TRANSFERRED CASE: SENDING COURT CASEID WATDCCR201001915
FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 12/13/2010

Charge(s): 1,2
HEARING - ARRAIGNMENT SCHEDULED FOR 01/18/2011 @ 8:30

NOTICE TO PARTIES/COUNSEL
Charge(s): 1,2
HEARING - ARRAIGNMENT WAIVED ON 01/18/2011

BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 12/14/2010

BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 01/26/2011

Party(s): CASEY L GILLESPIE
ATTORNEY - RETAINED ENTERED ON 01/19/2011

Attorney: JAMES FLICK
Charge(s): 1,2
PLEA - NOT GUILTY ENTERED BY COUNSEL ON 01/18/2011

Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL REQUESTED ON 01/19/2011

Charge(s): 1,2
FINDING - TRANSFER FOR JURY TRIAL TRANSFERRED ON 01/26/2011

AUGSC

01/31/2011 Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 01/28/2011

RECEIVED FROM WATERVILLE DISTRICT COURT DOCKET NO: CR-10-1915

01/31/2011 Charge(s): 1,2
TRIAL - DOCKET CALL SCHEDULED FOR 03/09/2011 @ 11:00

01/31/2011 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 01/28/2011

Bail Receipt Type: CR
Bail Amt: \$500

Date Bailed: 12/13/2010
Receipt Type: CK
Prvdr Name: CASEY GILLESPIE
Rtrn Name: CASEY GILLESPIE

02/03/2011 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 01/31/2011

02/03/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 03/09/2011 @ 11:00

NOTICE TO PARTIES/COUNSEL

03/09/2011 HEARING - MOTION TO SUPPRESS CONTINUED ON 03/09/2011

03/09/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 03/11/2011 @ 8:30

NOTICE TO PARTIES/COUNSEL

03/09/2011 Charge(s): 1,2
TRIAL - DOCKET CALL HELD ON 03/09/2011
ROBERT E MURRAY JR, JUSTICE
Reporter: JANETTE COOK
Defendant Present in Court

03/10/2011 MOTION - OTHER MOTION FILED BY DEFENDANT ON 03/09/2011

MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION

03/10/2011 MOTION - OTHER MOTION FILED BY DEFENDANT ON 03/09/2011

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/11/2011 HEARING - MOTION TO SUPPRESS NOT HELD ON 03/11/2011

03/11/2011 MOTION - MOTION TO SUPPRESS GRANTED ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE
COPY TO PARTIES/COUNSEL
DEFENSE COUNSEL TO ISSUE A PROPOSED ORDER

BY AGREEMENT,

03/11/2011 HEARING - OTHER MOTION SCHEDULED FOR 03/11/2011

MOTION TO ALLOW DEFENDANT INVESTIGATIVE INFORMATION

03/11/2011 HEARING - OTHER MOTION HELD ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE
Attorney: JAMES FLICK
DA: JAMES MITCHELL

Defendant Present in Court

MOTION TO ALLOW DEFENDANT INVESTIGATIVE INFORMATION
03/11/2011 MOTION - OTHER MOTION UNDER ADVISEMENT ON 03/11/2011
ROBERT E MURRAY JR, JUSTICE
MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION
03/11/2011 HEARING - OTHER MOTION SCHEDULED FOR 03/11/2011

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION
03/11/2011 MOTION - OTHER MOTION UNDER ADVISEMENT ON 03/11/2011
ROBERT E MURRAY JR, JUSTICE
MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION
03/18/2011 HEARING - OTHER MOTION HELD ON 03/11/2011
ROBERT E MURRAY JR, JUSTICE
Defendant Present in Court

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION
03/18/2011 ORDER - COURT ORDER FILED ON 03/17/2011
ROBERT E MURRAY JR, JUSTICE
03/18/2011 ORDER - COURT ORDER ENTERED ON 03/17/2011
ROBERT E MURRAY JR, JUSTICE
PURSUANT TO THE PARTIES AGREEMENT, THE COURT HEREBY ORDERS THAT THE DEFENDANT'S MOTION TO
SUPPRESS IS GRANTED TO THE EXTENT THAT EVIDENCE CONCERNING ANY OBSERVATIONS OF THE
INTERIOR OF THE DEFENDANT'S HOME, OTHER THAN THOSE MADE BY TROOPER KEATEN IN THE ENTRYWAY
AND KITCHEN OF THE DEFENDANT'S HOME AT THT TIME HE MADE HIS INITIAL ENTRY, IS NOT
ADMISSIBLE AT TRIAL.

03/22/2011 Charge(s): 1,2
TRIAL - DOCKET CALL SCHEDULED FOR 06/07/2011

03/22/2011 MOTION - OTHER MOTION GRANTED ON 03/22/2011
ROBERT E MURRAY JR, JUSTICE
MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION
03/22/2011 MOTION - OTHER MOTION GRANTED ON 03/22/2011
ROBERT E MURRAY JR, JUSTICE
MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION

A TRUE COPY

ATTEST: _____
Clerk

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CRIMINAL ACTION
Docket No. CR-11-061
REM - KEN - 4/12/11

STATE OF MAINE

v.

CASEY GILLESPIE,

Defendant

**ORDER GRANTING MOTION TO
PROVIDE INVESTIGATIVE
INFORMATION**

Defendant filed his motion dated March 4, 2011, to require the Maine State Police to provide certain investigative information. The court heard argument from both parties on the pending motion on March 11, 2011. Defendant specifically seeks investigative information in the Maine State Police's possession relating to a charge of OUI relating to the named victim in this matter, Heather L. Groder. The charge involved an alleged incident, which occurred on or about August 31, 2010.

Any investigative information in the possession of the Maine State Police relating to this charge would generally be confidential under 16 M.R.S.A. § 614. Defendant's motion and argument to the court contends that there may be information within the confidential records in the possession of the State Police that relate directly to the defendant's theory of his defense in the pending matter relating to the allegedly extreme level of intoxication of the victim in this case. Without addressing, at this time, the actual relevance or admissibility of any such information which might be obtained by the defendant on this subject, the court concludes that the specific request of information in the possession of the Maine State Police relating to the charge against Heather Groder for OUI involving the August 31, 2010 incident would be information that would not unreasonably impact any of the factors set forth in 16 M.R.S.A. §

614(1)(A-K). Therefore, in accordance with 16 M.R.S.A. § 614(3)(C)(2), the court hereby orders the Maine State Police to provide the defendant's attorney with a copy of any such investigative information in its possession within 15 days of the date of this order. Defendant or his attorney shall be precluded from any further dissemination of such investigative information beyond its actual use in the pending matter.

DATED:

4/12/11



Robert E. Murray
Justice, Superior Court

STATE OF MAINE
vs
CASEY L GILLESPIE
226 JUNCTION ROAD
BELGRADE ME 04917

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2011-00061

DOCKET RECORD

DOB: 07/21/1985
Attorney: JAMES FLICK
LAW OFFICE
79 MAIN ST
WINTHROP ME 04364-1439
RETAINED 01/19/2011

State's Attorney: TRACY DEVOLL

Filing Document: CRIMINAL COMPLAINT
Filing Date: 12/13/2010

Major Case Type: MISDEMEANOR (CLASS D,E)

Charge(s)

1	DOMESTIC VIOLENCE ASSAULT		12/12/2010 BELGRADE
Seq 11286	17-A 207-A(1) (A)	Class D	
KEATEN	/ MSP		
2	ASSAULT		12/12/2010 BELGRADE
Seq 8382	17-A 207(1) (A)	Class D	
KEATEN	/ MSP		

Docket Events:

01/26/2011 Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL EDI ON 01/26/2011 @ 18:00

TRANSFERRED CASE: SENDING COURT CASEID WATDCCR201001915
FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 12/13/2010

Charge(s): 1,2
HEARING - ARRAIGNMENT SCHEDULED FOR 01/18/2011 @ 8:30

NOTICE TO PARTIES/COUNSEL
Charge(s): 1,2
HEARING - ARRAIGNMENT WAIVED ON 01/18/2011

BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 12/14/2010

BAIL BOND - CASH BAIL BOND DISBURSEMENT ON 01/26/2011

Party(s): CASEY L GILLESPIE
ATTORNEY - RETAINED ENTERED ON 01/19/2011

Attorney: JAMES FLICK
Charge(s): 1,2
PLEA - NOT GUILTY ENTERED BY COUNSEL ON 01/18/2011

Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL REQUESTED ON 01/19/2011

Charge(s): 1,2
FINDING - TRANSFER FOR JURY TRIAL TRANSFERRED ON 01/26/2011

AUGSC

01/31/2011 Charge(s): 1,2
TRANSFER - TRANSFER FOR JURY TRIAL RECVD BY COURT ON 01/28/2011

RECEIVED FROM WATERVILLE DISTRICT COURT DOCKET NO: CR-10-1915

01/31/2011 Charge(s): 1,2
TRIAL - DOCKET CALL SCHEDULED FOR 03/09/2011 @ 11:00

01/31/2011 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 01/28/2011

Bail Receipt Type: CR
Bail Amt: \$500

Date Bailed: 12/13/2010
Receipt Type: CK
Prvdr Name: CASEY GILLESPIE
Rtrn Name: CASEY GILLESPIE

02/03/2011 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 01/31/2011

02/03/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 03/09/2011 @ 11:00

NOTICE TO PARTIES/COUNSEL

03/09/2011 HEARING - MOTION TO SUPPRESS CONTINUED ON 03/09/2011

03/09/2011 HEARING - MOTION TO SUPPRESS SCHEDULED FOR 03/11/2011 @ 8:30

NOTICE TO PARTIES/COUNSEL

03/09/2011 Charge(s): 1,2
TRIAL - DOCKET CALL HELD ON 03/09/2011
ROBERT E MURRAY JR, JUSTICE
Reporter: JANETTE COOK
Defendant Present in Court

03/10/2011 MOTION - OTHER MOTION FILED BY DEFENDANT ON 03/09/2011

MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION

03/10/2011 MOTION - OTHER MOTION FILED BY DEFENDANT ON 03/09/2011

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/11/2011 HEARING - MOTION TO SUPPRESS NOT HELD ON 03/11/2011

03/11/2011 MOTION - MOTION TO SUPPRESS GRANTED ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE
COPY TO PARTIES/COUNSEL
DEFENSE COUNSEL TO ISSUE A PROPOSED ORDER

BY AGREEMENT,

03/11/2011 HEARING - OTHER MOTION SCHEDULED FOR 03/11/2011

MOTION TO ALLOW DEFENDANT INVESTIGATIVE INFORMATION

03/11/2011 HEARING - OTHER MOTION HELD ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE
Attorney: JAMES FLICK
DA: JAMES MITCHELL

Defendant Present in Court

MOTION TO ALLOW DEFENDANT INVESTIGATIVE INFORMATION

03/11/2011 MOTION - OTHER MOTION UNDER ADVISEMENT ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE

MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION

03/11/2011 HEARING - OTHER MOTION SCHEDULED FOR 03/11/2011

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/11/2011 MOTION - OTHER MOTION UNDER ADVISEMENT ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/18/2011 HEARING - OTHER MOTION HELD ON 03/11/2011

ROBERT E MURRAY JR, JUSTICE

Defendant Present in Court

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/18/2011 ORDER - COURT ORDER FILED ON 03/17/2011

ROBERT E MURRAY JR, JUSTICE

03/18/2011 ORDER - COURT ORDER ENTERED ON 03/17/2011

ROBERT E MURRAY JR, JUSTICE

PURSUANT TO THE PARTIES AGREEMENT, THE COURT HEREBY ORDERS THAT THE DEFENDANT'S MOTION TO SUPPRESS IS GRANTED TO THE EXTENT THAT EVIDENCE CONCERNING ANY OBSERVATIONS OF THE INTERIOR OF THE DEFENDANT'S HOME, OTHER THAN THOSE MADE BY TROOPER KEATEN IN THE ENTRYWAY AND KITCHEN OF THE DEFENDANT'S HOME AT THE TIME HE MADE HIS INITIAL ENTRY, IS NOT ADMISSIBLE AT TRIAL.

03/22/2011 Charge(s): 1,2

TRIAL - DOCKET CALL SCHEDULED FOR 06/07/2011

03/22/2011 MOTION - OTHER MOTION GRANTED ON 03/22/2011

ROBERT E MURRAY JR, JUSTICE

MOTION TO REQUIRE DISTRICT ATTORNEY TO PROVIDE INVESTIGATIVE INFORMATION

03/22/2011 MOTION - OTHER MOTION GRANTED ON 03/22/2011

ROBERT E MURRAY JR, JUSTICE

MOTION TO ALLOW DEFENDANT TO OBTAIN INVESTIGATIVE INFORMATION

04/13/2011 ORDER - COURT ORDER FILED ON 04/12/2011

ROBERT E MURRAY JR, JUSTICE

THE COURT HEREBY ORDERS IN ACCORDANCE WITH 16 MRSA SEC.614(C)(2), THE COURT HEREBY ORDERS THE MSP TO PROVIDE THE DEFENDANT'S ATTORNEY WITH A COPY OF ANY SUCH INVESTIGATIVE INFORMATION IN ITS POSSESSION WITHIN 15 DAYS OF THE DATE OF THIS ORDER. DEFENDANT OR HIS ATTORNEY SHALL BE PRECLUDED FROM ANY FURTHER DISSEMINATION OF SUCH INVESTIGATIVE INFORMATION BEYOND ITS ACTUAL USE IN THE PENDING MATTER.

A TRUE COPY

ATTEST: _____
Clerk