

STATE OF MAINE
KENNEBEC, ss.

UNIFIED CRIMINAL DOCKET
AUGUSTA
DOCKET NO. CD-CR-17-1198

STATE OF MAINE

v.

**ORDER OF COURT ON MOTION
FOR BILL OF PARTICULARS**

VICTOR DUDLEY,
Defendant

This matter was brought before the undersigned on 10/24/17 with respect to the Defendant's Motion for Bill of Particulars filed 10/13/17. After listening to the arguments of counsel, the Court enters the following **Order**:

1. The Defendant is charged with Aggravated Assault pursuant to 17-A M.R.S. § 208(1)(A). The State need not elect to choose one alternative or the other as set forth in §208(1)(A), i.e., the State needs to prove beyond a reasonable doubt that Defendant intentionally, knowingly, or recklessly caused bodily injury to the complainant that created **either** a substantial risk of death **or** extended convalescence necessary for recovery of physical health.

2. Likewise, the State need not "choose" a particular injury that allegedly is "one that created risk of death or needed extended convalescence..." *see* Defendant's Motion at page 2.

3. The State has represented to defense counsel and this Court that it does not seek to offer evidence as to any incidents of the complainant that required medical attention on 6/5/17 and 6/13/17. Any bodily injury that complainant sustained allegedly at the hands of the Defendant occurred on or about 6/15/17.

4. The undersigned finds the Defendant has ample information concerning the basis for the charge against him, accordingly that there is no good basis to pursue a bill of particulars, and that consequently the motion should be, and is **denied**. *State v. Flynn*, 2015 ME 149.

Date: 11/1/17

BY



Robert E. Mullen, Deputy Chief Justice
Maine Superior Court