

STATE OF MAINE
SOMERSET, SS.

SUPERIOR COURT
Docket No. CR-01-298

JAN - 2002

STATE OF MAINE)

v.)

RONALD KEITH,)

Defendant.)

ORDER ON MOTION TO SUPPRESS

DONALD L. GARBRECHT
LAW LIBRARY

JUN 21 2002

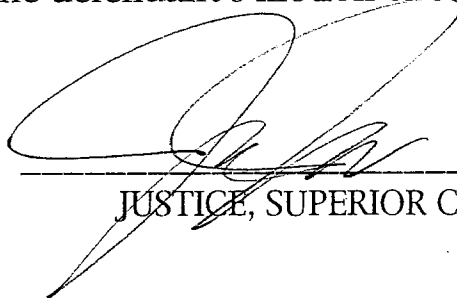
This matter came before the court on the defendant's motion to suppress evidence obtained pursuant to a search warrant. Everette Fowle, Assistant District Attorney representing the State, and Bruce Mallonee representing the defendant.

After reviewing the cases submitted by the attorneys and listening to the testimony of Janet Mills, the justice of the peace who signed the search warrant, the court denies the defendant's motion. The defendant's argument for holding the search warrant invalid is the fact that the justice of the peace who authorized the warrant was a former attorney for the defendant. The defense asserts that since Ms Mills was a former attorney for the defendant she cannot, as a matter of law, be a "neutral and detached official". The defense argues for a "per se" rule, i.e. the search warrant is automatically invalid because the justice of the peace was a former attorney for the defendant. The concern is that the official making the determination of probable cause not be subject to control by law enforcement officials or the attorney for the state. See Shadwick v City of Tampa, 407 US 345, 350-351 (1972).

The defense concedes that when Ms Mills signed the search warrant she didn't remember the defendant as a former client. Other than the fact that the defendant was a former client there was no evidence indicating that Ms Mills was not a "neutral and detached official". Ms Mills is a former District Attorney and this certainly doesn't disqualify her from signing requests for search warrants.

For reasons stated above , the defendant's motion to suppress is denied.

Dated: May 8, 2002.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

JUSTICE, SUPERIOR COURT

STATE OF MAINE
vs
RONALD SCOTT KEITH
50 WATERVILLE HILL RD
NORRIDGEWOCK ME 04957

SUPERIOR COURT
SOMERSET, ss.
Docket No SKOSC-CR-2001-00298

DOCKET RECORD

DOB: 08/16/1966
Attorney: BRUCE MALLONEE
RETAINED 03/20/2002

State's Attorney: JAMES MITCHELL

Filing Document: INDICTMENT
Filing Date: 08/23/2001

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

Charge(s)

1 AGGRAVATED TRAFFICK OR FURNISH SCHEDULE 10/25/2000 NORRIDGEWOCK GOTTARDI / SOM
DRUGS
17-A 1105 Class B

Docket Events:

08/27/2001 FILING DOCUMENT - INDICTMENT FILED ON 08/23/2001

08/27/2001 TRANSFER - BAIL AND PLEADING GRANTED ON 08/23/2001

TRANSFER - BAIL AND PLEADING REQUESTED ON 08/23/2001

08/27/2001 ATTORNEY - APPOINTED ORDERED ON 08/23/2001

Attorney: M MURPHY
ATTORNEY FOR PARTY 002 DEFENDANT

08/27/2001 Charge(s): 1
TRANSFER - BAIL AND PLEADING GRANTED ON 08/23/2001
DONALD H MARDEN , JUSTICE
CC: DISTRICT COURT

08/27/2001 Charge(s): 1
HEARING - ARRAIGNMENT SCHEDULED FOR 09/06/2001 @ 8:30

08/27/2001 Charge(s): 1
HEARING - ARRAIGNMENT NOTICE SENT ON 08/27/2001

08/31/2001 BAIL BOND - CASH BAIL BOND FILED ON 08/30/2001

Bail Receipt Type: CR
Bail Amt: \$2,000

Date Bailed: 10/26/2000
Receipt Type: CK
Prvdr Name: RONALD S KEITH
Rtrn Name: RONALD S KEITH

Conditions of Bail:

Refrain from possession or use of intoxicating liquor. Refrain from possession or use of any unlawful drugs.

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