

STATE OF MAINE  
CUMBERLAND, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CR-17-859

REC'D CUMB CLERKS OF C  
JUN 27 11 17 AM 10:36

STATE OF MAINE

v.

ORDER ON MOTION TO DISMISS AND  
MOTION FOR BILL OF PARTICULARS

MATTHEW BRASIER,

Defendant

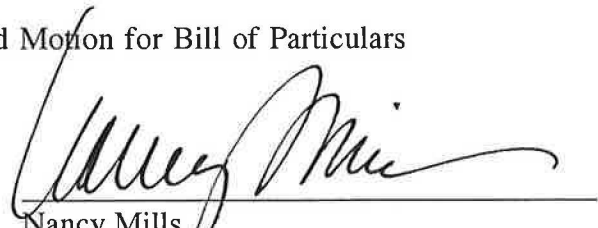
Before the court is defendant's motion to dismiss the indictment and motion for a bill of particulars. Defendant argues the State must identify a particular date or time on which defendant allegedly committed the offenses as opposed to "on or about August 15, 2016 and October 15, 2016." The State argues that although defendant and the alleged victim signed a contract on a certain date, they were in continuous discussion and negotiation regarding the work to be completed during the time period alleged in the indictment.

Defendant has received discovery and, based on the State's theory of the case, can use the information provided to "prepare an adequate defense, to avoid prejudicial surprise at trial, and to establish a record upon which to plead double jeopardy if necessary." State v. Flynn, 2015 ME 149, ¶ 27, 127 A.3d 1239; see State v. Varney, 641 A.2d 185, 186 (Me. 1994) (State is "not required to file a bill of particulars when it cannot pinpoint the date of an alleged offense with any greater specificity than it has in the indictment.") (citation and internal quotation omitted).

The entry is:

Defendant's Motion to Dismiss and Motion for Bill of Particulars  
are DENIED.

Date: June 20, 2017

  
\_\_\_\_\_  
Nancy Mills  
Justice, Superior Court

STATE OF MAINE  
vs  
MATTHEW A BRASIER  
53 MOUNTAIN ROAD  
ALFRED ME 04002

CRIMINAL DOCKET  
CUMBERLAND, ss.  
Docket No CUMCD-CR-2017-00859

**DOCKET RECORD**

DOB: 11/30/1974

Attorney: PATRICK GORDON  
FAIRFIELD & ASSOCIATES PA  
10 STONEY BROOK LANE  
LYMAN ME 04002  
APPOINTED 03/08/2017

State's Attorney: AMANDA DOHERTY

Filing Document: INDICTMENT  
Filing Date: 02/14/2017

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

**Charge(s)**

1	HOME REPAIR FRAUD	08/15/2016	CAPE ELIZABETH
Seq 4570	17-A 908(1)(C)	Class D	
KENNEDY	/	CAP	
2	THEFT BY DECEPTION	08/15/2016	CAPE ELIZABETH
Seq 8434	17-A 354(1)(B)(4)	Class C	
KENNEDY	/	CAP	

**Docket Events:**

02/15/2017 FILING DOCUMENT - INDICTMENT FILED ON 02/14/2017

02/15/2017 BAIL BOND - \$7,000.00 CASH BAIL BOND SET BY COURT ON 02/14/2017  
ANDREW HORTON , JUSTICE  
\$7000 CASH BAIL. NO CONTACT DIRECT OR INDIRECT WITH GINGER COTE.

02/15/2017 WARRANT - \$7,000.00 ON COMP/INDICTMENT ORDERED ON 02/14/2017  
ANDREW HORTON , JUSTICE  
\$7000 CASH BAIL. NO CONTACT DIRECT OR INDIRECT WITH GINGER COTE.

02/15/2017 WARRANT - \$7,000.00 ON COMP/INDICTMENT ISSUED ON 02/15/2017  
\$7000 CASH BAIL. NO CONTACT DIRECT OR INDIRECT WITH GINGER COTE.

03/02/2017 WARRANT - ON COMP/INDICTMENT EXECUTED BY AGENCY ON 03/02/2017 at 08:22 p.m.

03/08/2017 Charge(s): 1,2  
HEARING - ARRAIGNMENT SCHEDULED FOR 03/08/2017 at 01:00 p.m. in Room No. 1

03/09/2017 Charge(s): 1,2  
HEARING - ARRAIGNMENT HELD ON 03/08/2017  
THOMAS D WARREN , JUSTICE  
DA: STEPHANIE ANDERSON  
Defendant Present in Court  
DEFENDANT INFORMED OF CHARGES. FTR1

03/09/2017 Charge(s): 1,2  
PLEA - NOT GUILTY ENTERED BY DEFENDANT ON 03/08/2017  
THOMAS D WARREN , JUSTICE

03/09/2017 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 05/18/2017 at 10:00 a.m. in Room No. 7

03/09/2017 Charge(s): 1,2  
TRIAL - JURY TRIAL SCHEDULED FOR 07/24/2017 at 08:30 a.m. in Room No. 11

NOTICE TO PARTIES/COUNSEL  
03/09/2017 BAIL BOND - \$500.00 CASH BAIL BOND SET BY COURT ON 03/08/2017  
THOMAS D WARREN , JUSTICE

03/09/2017 MOTION - MOTION FOR APPOINTMENT OF CNSL GRANTED ON 03/08/2017  
THOMAS D WARREN , JUSTICE  
COPY TO PARTIES/COUNSEL

03/09/2017 Party(s): MATTHEW A BRASIER  
ATTORNEY - APPOINTED ORDERED ON 03/08/2017

Attorney: PATRICK GORDON

03/13/2017 BAIL BOND - \$500.00 CASH BAIL BOND FILED ON 03/10/2017

Bail Receipt Type: CR

Bail Amt: \$500

Receipt Type: CK

Date Bailed: 03/08/2017

Prvdr Name: STEPHANIE JALBERT

Rtrn Name: STEPHANIE JALBERT

409

3RD PARTY DOB 4-2-75

05/19/2017 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 05/18/2017 at 10:00 a.m. in Room No. 7  
PAUL A FRITZSCHE , JUSTICE  
FTR 7

05/19/2017 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE SCHEDULED FOR 05/25/2017 at 10:00 a.m. in Room No. 7

05/19/2017 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ON 05/19/2017  
JIM PAUL TURCOTTE , ASSISTANT CLERK

05/25/2017 Charge(s): 1,2  
HEARING - DISPOSITIONAL CONFERENCE HELD ON 05/25/2017  
PAUL A FRITZSCHE , JUSTICE  
Attorney: CORY MCKENNA

DA: AMANDA DOHERTY

CONF HELD, OFFER MADE. MOTIONS FILED. TO BE HEARD 6-13

05/25/2017 MOTION - MOTION TO DISMISS FILED BY DEFENDANT ON 05/25/2017

AND MOTION FOR BILL OF PARTICULARS

05/25/2017 Charge(s): 1,2  
HEARING - MOTION TO DISMISS SCHEDULED FOR 06/13/2017 at 01:00 p.m. in Room No. 1

NOTICE TO PARTIES/COUNSEL

05/25/2017 Charge(s): 1,2  
HEARING - MOTION TO DISMISS NOTICE SENT ON 05/25/2017

06/14/2017 Charge(s): 1,2  
HEARING - MOTION TO DISMISS HELD ON 06/13/2017 at 01:00 p.m. in Room No. 1  
NANCY MILLS , JUSTICE  
Attorney: CORY MCKENNA  
DA: AMANDA DOHERTY  
Defendant Present in Court  
FTR 1

06/14/2017 MOTION - MOTION TO DISMISS UNDER ADVISEMENT ON 06/13/2017  
NANCY MILLS , JUSTICE

06/27/2017 MOTION - MOTION TO DISMISS DENIED ON 06/27/2017  
NANCY MILLS , JUSTICE

COPY TO PARTIES/COUNSEL

06/27/2017 ORDER - COURT ORDER FILED ON 06/27/2017

NANCY MILLS , JUSTICE

06/27/2017 ORDER - COURT ORDER ENTERED ON 06/27/2017

NANCY MILLS , JUSTICE

ORDER ON MOTION TO DISMISS AND MOTION FOR BILL OF PARTICULARS IS DENIED. PLEASE SEE ORDER IN FILE

A TRUE COPY

ATTEST: \_\_\_\_\_

Clerk