

STATE OF MAINE

**SUPREME JUDICIAL COURT
Sitting as Law Court**

No. PEN-24-36

STATE OF MAINE

v.

RICHARD KELLEY

On Appeal from the Penobscot Unified Criminal Docket, Bangor

**APPENDIX OF APPELLANT,
RICHARD KELLEY**

Hunter J. Tzovarras
Bar No. 4429
88 Hammond Street, Ste 301
Bangor, Maine 04401
(207) 941-8443
hunter@bangorlegal.com

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STATE OF MAINE
v.
RICHARD KELLEY

CRIMINAL DOCKET
PENOBSCOT, ss.
Docket No PENCDCR-2021-00670

DOCKET RECORD

DOB: [REDACTED]/1984

Attorney: HUNTER TZOVARRAS
THE LAW OFFICE OF HUNTER J. TZOVARRAS
88 HAMMOND STREET, SUITE 301
BANGOR ME 04401
RETAINED 03/12/2021

State's Attorney: MARIANNE LYNCH

Filing Document: CRIMINAL COMPLAINT
Filing Date: 03/11/2021

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

Charge(s)

1 AGGRAVATED TRAFFICKING OF SCHEDULED DRUGS 02/22/2021 NEWPORT
Seq 13783 17-A 1105-A(1) (M) Class A
FROST / MDN

2 CRIMINAL FORFEITURE OF PROPERTY 02/22/2021 NEWPORT
Seq 7049 15 5826 Class U
FROST / MDN

Docket Events:

03/12/2021 FILING DOCUMENT - CRIMINAL COMPLAINT FILED ON 03/11/2021

03/12/2021 Charge(s): 1,2

HEARING - INITIAL APPEARANCE SCHEDULE OTHER COURT ON 03/12/2021 at 01:00 p.m. in Room No. 11
BANSC

03/12/2021 BAIL BOND - SURETY BAIL BOND SET BY COURT ON 03/12/2021

ANN MURRAY , JUSTICE
Defendant Present in Court

120K SURETY OR \$60,000.00 CASH WITH CONDITIONS OF NO USE OR POSSESSION OF ALCOHOL, ILLEGAL
DRUGS OR MARIJUANA. SUBMIT TO RANDOM SEARCH AND TESTING. A BIDE BY A CURFEW OF 6AM-6PM AND
NO CONTACT WITH KEITH WEDGE; NO INTERSTATE TRAVEL

03/12/2021 Charge(s): 1,2

HEARING - DISPOSITIONAL CONFERENCE SCHEDULE OTHER COURT ON 05/04/2021 at 09:30 a.m.

BANSC

03/12/2021 BAIL BOND - SURETY BAIL BOND COMMITMENT ISSUED ON 03/12/2021

03/19/2021 BAIL BOND - \$120,000.00 SURETY BAIL BOND FILED ON 03/17/2021

Bail Amt: \$120,000

County: HANCOCK

Date Bailed: 03/15/2021

Lien Issued: 03/17/2021

Lien Discharged:

Surety Type: REAL ESTATE

County Book ID: 7103 Book Page: 681

Prvdr Name: RHONDA SAWYER

Rtrn Name: RHONDA SAWYER

Surety Value: \$0

03/25/2021 Charge(s): 1,2

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Printed on: 01/23/2024

A001

HEARING - INITIAL APPEARANCE HELD ON 03/12/2021
ANN MURRAY , JUSTICE
Attorney: DAWN CORBETT
DA: JASON HORN
Defendant Present in Court

101/2:52:24

03/25/2021 Charge(s): 1,2

PLEA - NO ANSWER ENTERED BY DEFENDANT ON 03/12/2021

04/01/2021 HEARING - BAIL HEARING SCHEDULE OTHER COURT ON 04/07/2021 at 10:30 a.m. in Room No. 2

BANSC

04/01/2021 HEARING - BAIL HEARING NOTICE SENT ELECTRONICALLY ON 04/01/2021

04/01/2021 Party(s): RICHARD KELLEY

ATTORNEY - RETAINED ENTERED ON 03/12/2021

Attorney: HUNTER TZOVARRAS

04/05/2021 OTHER FILING - NTS OF EMAIL FILING/RESP DEADL FILED ON 04/05/2021

04/05/2021 MOTION - MOTION AMEND BAIL CONDITIONS FILED BY DEFENDANT ON 04/05/2021

RECEIVED VIA EMAIL

04/07/2021 HEARING - BAIL HEARING HELD ON 04/07/2021

ANN MURRAY , JUSTICE

101/10:54:07

04/07/2021 MOTION - MOTION AMEND BAIL CONDITIONS GRANTED ON 04/07/2021

ANN MURRAY , JUSTICE

AMENDED AS FOLLOWS: CURFEW 6PM-6AM, EXCEPT DEFENDANT MAY WORM, GO TO AND FROM WORMING AND SELLING HIS WORMS IN LAMOINE. 2 HOURS BEFORE LOW TIDE THROUGH 3 HOURS AFTER LOW TIDE AND ALL WORMING AND SELLING OF WORMS SHALL BE DONE IN TRENTON OR LAMOINE.

04/07/2021 BAIL BOND - SURETY BAIL BOND AMENDED ON 04/07/2021

ANN MURRAY , JUSTICE

AMENDED AS FOLLOWS: 6 PM TO 6 AM, EXCEPT DEFENDANT MAY WORM GO TO AND FROM WORMING AND SELLING HIS WORMS IN LAMOINE, 2 HOURS BEFORE LOW TIDE THOROUGH 3 HOURS AFTER LOW TIDE AND ALL WORMING AND SELLING OF WORMS SHALL BE DONE IN TRENTON OR LAMOINE ALL OTHER CONDITIONS REMAIN AS SET. AMEND 7-22 J WA REMOVE WORMING CONDITIONS. ADD 6PM TO 6AM EXCEPT NOT OUT OF HOME EARLIER THAN 3:30A WHILE TRAVEL TO SW HARBOR TO LOBSTERING W WELDON LEONARD.

AMENDED 1.5.2024 POST CONVICTION

Date Bailed: 03/15/2021

Lien Issued: 03/17/2021

04/29/2021 Charge(s): 1,2

HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 04/29/2021

COVID

04/30/2021 OTHER FILING - OTHER DOCUMENT FILED ON 04/30/2021

NOTICE PURSUANT TO SJC EMERGENCY ORDER DATED 3/13/20

05/11/2021 MOTION - MOTION FOR DISCOVERY FILED BY STATE ON 05/10/2021

MOTION FOR PROTECTIVE DISCOVERY ORDER

06/01/2021 MOTION - MOTION FOR DISCOVERY GRANTED ON 05/25/2021

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A002

ANN MURRAY , JUSTICE
COPY TO PARTIES/COUNSEL

06/02/2021 OTHER FILING - NOTICE OF JOINDER FILED BY STATE ON 05/27/2021

DA: JASON HORN

06/02/2021 Charge(s): 1,2
SUPPLEMENTAL FILING - INDICTMENT FILED ON 05/26/2021

07/22/2021 MOTION - MOTION AMEND BAIL CONDITIONS FILED BY DEFENDANT ON 07/21/2021

Attorney: HUNTER TZOVARRAS

07/22/2021 MOTION - MOTION AMEND BAIL CONDITIONS GRANTED ON 07/22/2021
WILLIAM R ANDERSON , JUSTICE
COPY TO PARTIES/COUNSEL

07/22/2021 CASE STATUS - CASE FILE LOCATION ON 07/22/2021

AT FRONT COUNTER WAITING FOR DEF TO COME SIGN BAIL AMENDMENT.

07/30/2021 CASE STATUS - CASE FILE RETURNED ON 07/30/2021

10/29/2021 HEARING - DISPOSITIONAL CONFERENCE SCHEDULE OTHER COURT ON 11/16/2021 at 11:30 a.m.

BANSC

10/29/2021 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ELECTRONICALLY ON 10/29/2021

11/12/2021 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 11/10/2021

Attorney: HUNTER TZOVARRAS
FOR 11/16

11/12/2021 MOTION - MOTION TO CONTINUE GRANTED ON 11/12/2021
ANN MURRAY , JUSTICE

11/12/2021 HEARING - DISPOSITIONAL CONFERENCE CONTINUED ON 11/12/2021

01/25/2022 HEARING - DISPOSITIONAL CONFERENCE SCHEDULE OTHER COURT ON 02/22/2022 at 10:00 a.m. in Room No.
3

BANSC

01/25/2022 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ELECTRONICALLY ON 01/25/2022

03/02/2022 HEARING - DISPOSITIONAL CONFERENCE HELD TELEPHONICALLY ON 02/22/2022

ANN MURRAY , JUSTICE
Attorney: HUNTER TZOVARRAS
DA: JASON HORN

MOTION TO BE FILED BY 3/8/2022

03/30/2022 MOTION - MOTION TO SUPPRESS FILED BY DEFENDANT ON 03/30/2022

09/09/2022 HEARING - MOTION TO SUPPRESS SCHEDULE OTHER COURT ON 09/16/2022 at 08:30 a.m. in Room No. 10

BANSC

09/09/2022 HEARING - MOTION TO SUPPRESS NOTICE SENT ON 09/09/2022

09/13/2022 MOTION - MOTION TO CONTINUE FILED BY DEFENDANT ON 09/13/2022

09/13/2022 MOTION - MOTION TO CONTINUE GRANTED ON 09/13/2022

COPY TO PARTIES/COUNSEL

09/13/2022 HEARING - MOTION TO SUPPRESS CONTINUED ON 09/13/2022

10/24/2022 HEARING - MOTION TO SUPPRESS SCHEDULE OTHER COURT ON 11/15/2022 at 01:00 p.m. in Room No. 77

BANSC
MOTIONS

CALL OF THE

10/24/2022 HEARING - MOTION TO SUPPRESS NOTICE SENT ELECTRONICALLY ON 10/24/2022

11/01/2022 MOTION - OTHER MOTION FILED BY DEFENDANT ON 10/31/2022

Attorney: HUNTER TZOVARRAS

MOTION TO BE EXCUSED FROM CALL OF THE MOTIONS 11/15

11/15/2022 MOTION - OTHER MOTION GRANTED ON 11/09/2022

BRUCE MALLONEE , JUSTICE

MOTION TO BE EXCUSED FROM CALL OF THE MOTIONS 11/15

11/15/2022 HEARING - MOTION TO SUPPRESS NOT HELD ON 11/15/2022

11/15/2022 HEARING - MOTION TO SUPPRESS SCHEDULE OTHER COURT ON 12/20/2022 at 01:00 p.m. in Room No. 77

BANSC

11/15/2022 HEARING - MOTION TO SUPPRESS NOTICE SENT ELECTRONICALLY ON 11/15/2022

12/20/2022 HEARING - MOTION TO SUPPRESS HELD ON 12/20/2022

BRUCE MALLONEE , JUSTICE

Attorney: HUNTER TZOVARRAS

DA: JASON HORN

Defendant Present in Court

202 / 1:09:02

DEF SUPPLEMENTAL FILING DUE

12/30/2022; STATE RESPONSE DUE 1/5/2023

12/20/2022 MOTION - MOTION TO SUPPRESS UNDER ADVISEMENT ON 12/20/2022

BRUCE MALLONEE , JUSTICE

12/20/2022 CASE STATUS - CASE FILE LOCATION ON 12/20/2022

WITH JUSTICE MALLONEE

01/04/2023 MOTION - MOTION FOR EXTENSION OF TIME FILED BY DEFENDANT ON 01/03/2023

TO EXTEND DEADLINE FOR DEFENDANTS SUPPLEMENTAL MEMORANDUM

01/04/2023 Charge(s): 1,2

OTHER FILING - OTHER DOCUMENT FILED ON 01/03/2023

DEFENDANTS SUPPLEMENTAL MEMORANDUM AND REQUEST

01/14/2023 OTHER FILING - OTHER DOCUMENT FILED ON 01/04/2023

STATE REPOSE

01/18/2023 MOTION - MOTION TO SUPPRESS DENIED ON 01/18/2023

BRUCE MALLONEE , JUSTICE

COPY TO PARTIES/COUNSEL

01/18/2023 ORDER - COURT ORDER FILED ON 01/18/2023

BRUCE MALLONEE , JUSTICE

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A004

ORDER ON DEFENDANTS MOTION TO SUPPRESS DENIED.
INCORPORATE THE ORDER ON THE RECORD

01/21/2023 HEARING - DISPOSITIONAL CONFERENCE SCHEDULE OTHER COURT ON 03/13/2023 at 01:00 p.m. in Room No.
3

BANSC

01/21/2023 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ELECTRONICALLY ON 01/21/2023

01/27/2023 ORDER - COURT ORDER FILED ON 01/27/2023

BRUCE MALLONEE , JUSTICE
MOTION TO SUPPRESS IS DENIED

CLERK TO

INCORPORATE THE ORDER ON THE RECORD

01/27/2023 CASE STATUS - CASE FILE RETURNED ON 01/27/2023

02/06/2023 Charge(s): 1,2

MOTION - OTHER MOTION FILED BY DEFENDANT ON 01/31/2023

Attorney: HUNTER TZOVARRAS

MOTION TO RECONSIDER DECISION ON MOTION TO SUPPRESS

02/27/2023 OTHER FILING - TRANSCRIPT FILED ON 02/24/2023

03/07/2023 OTHER FILING - OTHER DOCUMENT FILED ON 03/03/2023

SUPPLEMENTAL FILING FOR MOTION TO RECONSIDER MOTION TO SUPPRESS

03/10/2023 Charge(s): 1,2

OTHER FILING - OTHER DOCUMENT FILED ON 03/02/2023

Attorney: HUNTER TZOVARRAS

SUPPLEMENT TO MOTION TO RECONSIDER MOTION TO SUPPRESS

04/19/2023 ORDER - COURT ORDER FILED ON 04/18/2023

BRUCE MALLONEE , JUSTICE
INCORPORATED ON THE RECORD BY REFERENCE.
DEFENDANT'S MOTION TO RECONSIDER.

ORDER ONF

COPIES SENT TO COUNSEL ON 4/19/2023

04/19/2023 Charge(s): 1,2

MOTION - OTHER MOTION DENIED ON 04/18/2023

BRUCE MALLONEE , JUSTICE

MOTION TO RECONSIDER DECISION ON MOTION TO SUPPRESS

AS STATED IN ORDER DATED

4/18/2023

04/24/2023 HEARING - DISPOSITIONAL CONFERENCE NOT HELD ON 03/18/2023

04/24/2023 HEARING - DISPOSITIONAL CONFERENCE SCHEDULE OTHER COURT ON 06/07/2023 at 03:00 p.m. in Room No.
3

BANSC

04/24/2023 HEARING - DISPOSITIONAL CONFERENCE NOTICE SENT ELECTRONICALLY ON 04/24/2023

06/07/2023 HEARING - DISPOSITIONAL CONFERENCE HELD ON 06/07/2023

JOHN LUCY , JUDGE

Attorney: HUNTER TZOVARRAS

DA: JASON HORN

201 CHAMBERS

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A005

06/07/2023 Charge(s): 1,2
TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 09/07/2023 at 08:30 a.m. in Room No. 12

BANSC NOTICE IN
CHAMBERS

09/14/2023 OTHER FILING - WITNESS LIST FILED BY STATE ON 09/11/2023

DA: JASON HORN

09/18/2023 Charge(s): 1,2
TRIAL - DOCKET CALL CONTINUED ON 09/07/2023

09/18/2023 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 10/05/2023 at 08:30 a.m. in Room No. 12

BANSC

09/18/2023 TRIAL - DOCKET CALL NOTICE SENT ELECTRONICALLY ON 09/18/2023

10/10/2023 TRIAL - DOCKET CALL CONTINUED ON 10/05/2023

10/10/2023 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 12/07/2023 at 08:30 a.m. in Room No. 12

BANSC

10/10/2023 TRIAL - DOCKET CALL NOTICE SENT ELECTRONICALLY ON 10/10/2023

12/07/2023 OTHER FILING - WITNESS LIST FILED BY STATE ON 12/07/2023

FIRST AMENDED WITNESSES FOR THE STATE

12/19/2023 TRIAL - DOCKET CALL HELD ON 12/07/2023

ANN MURRAY , JUSTICE

12/19/2023 TRIAL - DOCKET CALL SCHEDULE OTHER COURT ON 01/04/2024 at 08:30 a.m. in Room No. 12

BANSC

01/04/2024 TRIAL - DOCKET CALL HELD ON 01/04/2024

ANN MURRAY , JUSTICE

ON FOR JURY SELECTION 1/5

01/04/2024 TRIAL - JURY TRIAL SCHEDULE OTHER COURT ON 01/05/2024 at 08:30 a.m. in Room No. 12

BANSC

01/05/2024 HEARING - RULE 11 HEARING HELD ON 01/05/2024

ANN MURRAY , JUSTICE

Attorney: HUNTER TZOVARRAS

DA: JASON HORN

Defendant Present in Court

READING WAIVED

202 / 3:40:26

01/05/2024 Charge(s): 1
PLEA - GUILTY ENTERED BY DEFENDANT ON 01/05/2024

Attorney: HUNTER TZOVARRAS

THE DEFENDANT, RICHARD KELLEY, AGREES TO ENTER A CONDITIONAL GUILTY PLEA IN THE ABOVE CAPTIONED MATTER AS FOLLOWS: 1 THE DEFENDANT ENTERS A CONDITIONAL GUILTY PLEA TO COUNT 1 OF THE INDICTMENT. 2 THE TERMS OF THE CONDITIONAL GUILTY PLEA ARE THE DEFENDANT RESERVES THE RIGHT TO APPEAL TO THE MAINE SUPREME JUDICIAL COURT FROM THE FOLLOWING DECISION OF THE COURT (1) THE ORDER DENYING THE DEFENDANT'S MOTION TO SUPPRESS EVIDENCE AND (2) THE ORDER

DENYING THE DEFENDANT'S MOTION TO RECONSIDER THE MTSE

01/05/2024 Charge(s): 1

FINDING - GUILTY ENTERED BY COURT ON 01/05/2024

ANN MURRAY , JUSTICE

THE FOREGOING CONDITIONAL GUILTY PLEA OF DEFENDANT IS HEREBY APPROVED

01/05/2024 Charge(s): 2

PLEA - ADMIT ENTERED BY DEFENDANT ON 01/05/2024

01/05/2024 Charge(s): 2

FINDING - FORFEITURE ENTERED BY COURT ON 01/05/2024

01/05/2024 Charge(s): 1

RULING - ORIGINAL ORDERED ON 01/05/2024

ANN MURRAY , JUSTICE

It is adjudged that the defendant is guilty of 1 AGGRAVATED TRAFFICKING OF SCHEDULED DRUGS
17-A 1105-A(1)(M) Class A as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 10 year(s).

Execution stayed to on or before: 01/25/2024 at 14:00.

It is ordered that all but 5 year(s) 1 day(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 4 year(s) upon conditions attached hereto and incorporated by reference herein.

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

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.

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

01/05/2024 Charge(s): 1

RULING - ORIGINAL ISSUED ON 01/05/2024

ANN MURRAY , JUSTICE

DEFENDANT ACKNOWLEDGES RECEIPT

01/11/2024 TRIAL - JURY TRIAL NOT HELD ON 01/05/2024

01/11/2024 BAIL BOND - SURETY BAIL BOND CONT AS POST CONVIC ON 01/05/2024

Date Bailed: 03/15/2021

Lien Issued: 03/17/2021

01/11/2024 OTHER FILING - FINE PAYMENT SCHEDULE ORDERED ON 01/11/2024

INSTALLMENT PYMTS: 0;DAILY: F;WEEKLY: F;BI-WEEKLY: F;MONTHLY: F;BI-MONTHLY: F;PYMT BEGIN:
AT 0;PYMT IN FULL: 20291224 AT 1400;THRU PPO: F;PYMT DUE AMT: 540;PMT DUE: 20291224 AT
1400;OTHER:

01/22/2024 APPEAL - NOTICE OF APPEAL FILED ON 01/16/2024

Attorney: HUNTER TZOVARRAS

01/22/2024 Charge(s): 1,2

MOTION - MOTION FOR STAY SUSP-APPEAL FILED BY DEFENDANT ON 01/16/2024

Attorney: HUNTER TZOVARRAS

01/23/2024 Charge(s): 1,2

MOTION - MOTION FOR STAY SUSP-APPEAL GRANTED ON 01/23/2024

ANN MURRAY , JUSTICE

01/23/2024 APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 01/23/2024

01/23/2024 Charge(s): 1

RULING - AMENDMENT ORDERED ON 01/23/2024

ANN MURRAY , JUSTICE

It is adjudged that the defendant is guilty of 1 AGGRAVATED TRAFFICKING OF SCHEDULED DRUGS
17-A 1105-A(1)(M) Class A as charged and convicted.

The defendant is sentenced to the DEPARTMENT OF CORRECTIONS for a term of 10 year(s).

Execution stayed pending appeal.

It is ordered that all but 5 year(s) 1 day(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 4 year(s) upon
conditions attached hereto and incorporated by reference herein.

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

Charge #1: It is ordered that the defendant forfeit and pay the sum of \$ 400.00 as a
fine to the clerk of the court, plus applicable surcharges and assessments.

10% GOV'T OPERATION SURCHARGE FUND \$ 40.00

\$ 35 VICTIMS COMPENSATION FUND

100% GENERAL FUND \$ 400.00

1% COUNTY JAIL \$ 4.00

5% GENERAL FUND ADDL 5% SURCHARGE \$ 20.00

3% MAINE CRIMINAL JUSTICE ACADEMY 2006 \$ 12.00

1% MSP COMPUTER CRIMES \$ 4.00

\$ 15 COURT MANAGEMENT SYS FEE FINE

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A008

\$ 10 VICTIMS PROPERTY COMP FUND
TOTAL DUE:\$ 540.00.

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.

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

01/23/2024 Charge(s): 1

RULING - AMENDMENT ISSUED ON 01/23/2024

ANN MURRAY , JUSTICE

FINE PAYMENT SCHEDULE

Execution/payment stayed to pay in full by 12/24/2029 or warrant to issue.

A TRUE COPY

ATTEST: _____
Clerk

STATE OF MAINE
PENOBSCOT COUNTY

UNIFIED CRIMINAL DOCKET
LOCATION: BANGOR
DOCKET NO. PENCDCR-2021-00670

STATE OF MAINE,)	
)	
v.)	ORDER on DEFENDANT'S
)	MOTION TO SUPPRESS
RICHARD KELLEY,)	
)	
Defendant.)	
)	

Before the Court is Defendant Richard Kelley's Motion to Suppress evidence obtained through three warrants. The Motion seeks to suppress the evidence obtained from the searches that resulted from those warrants on the grounds that the initial warrant lacked probable cause, and because two of the searches were conducted out of state. The Court finds at the outset that Kelley does not have standing to challenge the warrants that authorized the searches. For the same reason, Kelley cannot challenge the out of state searches for having occurred outside of Maine. Kelley's Motion to Suppress must therefore be **DENIED**.

I. FACTUAL BACKGROUND

In 2020, Special Agent Timothy Frost, who was attached to the Maine Drug Enforcement Agency, was investigating an individual named Keith Wedge for suspected drug related activity. On November 24, 2020, Frost presented an affidavit and proposed warrant (Warrant I), seeking authorization to attach an electronic tracking device (the "Tracker") to Wedge's Dodge Challenger. The court authorized Warrant I and Frost attached the Tracker to the Challenger. On January 21, 2021, Frost presented an affidavit and proposed warrant (Warrant II) to extend the authorization for attaching the Tracker to the Challenger. Warrant II was supported by evidence obtained through Warrant I. The court authorized Warrant II and Frost left the Tracker in place.

Warrants I and II generated a third request. On February 22, 2021, Frost presented an affidavit and proposed Warrant III; by this warrant, he sought to search rather than simply track the Challenger. The court authorized Warrant III, after which agents of the Maine Drug Enforcement Agency stopped and searched the Challenger. When the Challenger was stopped, Wedge was driving and Defendant Kelley was a passenger. After the search of the Challenger yielded drugs, both Kelley and Wedge were arrested.

II. PROCEDURAL POSTURE

On March 12, 2021, Kelley was charged with one count of aggravated trafficking in scheduled drugs and one count of criminal forfeiture. Kelley was indicted on both counts on May 26, 2021. On March 30, 2022, Kelley filed this Motion to Suppress. On December 20, 2022, a hearing was held on the Motion, at which the Court heard testimony from Frost. Kelley testified in his own behalf. Both parties argued their positions and the motion is now in order for decision.

III. DISCUSSION

In seeking to suppress evidence generated by all three warrants, Kelley first argues that Warrants I and II were not supported by probable cause. He further argues that the searches authorized by Warrants I and II were improper because the Tracker travelled with the Challenger out of state and the court did not have authority to authorize out of state searches. Finally, he argues that Warrant III itself was invalid because it relied on evidence illegally obtained through Warrants I and II. The Court addresses these three arguments in turn.

A. Kelley Lacks Standing to Challenge Warrants I and II for Lack of Probable Cause.

Kelley argues that Warrants I and II were not supported by probable cause. The State responds in the alternative: that both warrants were supported by probable cause and, if it was lacking, the good faith exception to the warrant requirement would apply. Before the Court reaches these arguments, however, it must consider whether Kelley has standing under the Fourth Amendment to mount his challenge in the first place.

Standing to challenge a search “is a threshold issue and Maine courts are only open to those who meet this basic requirement.” *See State v. Lovett*, 2015 ME 7, ¶ 7, 109 A.3d 1135 (quoting *Lindemann v. Comm’n on Governmental Ethics & Election Practices*, 2008 ME 187, ¶ 8, 961 A.2d 538). Even when the parties do not argue the question of standing in a motion to suppress, the court must address this issue before determining whether the motion to suppress has any merit. *See, e.g., Lovett*, 2015 ME 7, ¶ 7, 109 A.3d 1135. “While evidence seized in violation of the fourteenth amendment . . . may be excluded from a criminal trial, a defendant does not have personal standing to object to and procure the exclusion of incriminating evidence solely because he is aggrieved by its use against him at trial.” *See State v. Hamm*, 348 A.2d 268, 271 (Me. 1975) (citations omitted). A defendant cannot claim the protections afforded by the Fourth and Fourteenth amendments if his own rights are not infringed upon, regardless of whether the police infringed upon the rights of another. *See id.* Therefore, a defendant “must demonstrate that his own reasonable expectation of privacy was violated by the action of the state” to establish standing in a motion to suppress. *State v. Maloney*, 1998 ME 56, ¶ 6, 708 A.2d 277.

To establish standing to challenge the search of a vehicle, a defendant must establish a possessory interest or reasonable expectation of privacy in the vehicle. *See Rakas v. Illinois*, 439

U.S. 128, 148 (1978). The inquiry into whether passengers in a vehicle have standing to challenge a search turns most heavily on whether they have a possessory interest in the vehicle. *See id.* (holding that where passengers did not own an automobile, they had did not have standing to challenge the search of the car, despite the owner's having given them permission to ride in the car); *Lovett*, 2015 ME 7, ¶ 8, 109 A.3d 1135 (finding that a passenger did not have standing to contest the search of the car). Passengers in vehicles without any possessory interest in the vehicle do not "have a legitimate expectation of privacy" in the enclosed or open spaces of a vehicle they are riding in like "the glove compartment or area under the seat [or] trunk." *Rakas*, 439 U.S. at 148-49. Analyzing the decision in *Rakas*, the First Circuit Court of Appeals has held that "passengers in automobiles who assert no property or possessory interest in a vehicle cannot be said to have the requisite expectation of privacy in the vehicle to permit them to maintain that the search did not meet Fourth Amendment standards." *United States v. Campbell*, 741 F.3d 251, 263 (1st Cir. 2013) (holding that two passengers who asserted no possessory interest in a car did not have standing to contest the search of that car); *see also United States v. Symonevich*, 688 F.3d 12, 19, 21 (1st Cir. 2012) ("[A] passenger who has 'asserted neither a property not a possessory interest in the automobile . . . has made no showing that he or she has a legitimate expectation of privacy in [areas] of the car in which he or she was merely a passenger.'").

In this case, the only intrusion authorized by Warrants I and II was for the officer to attach the Tracker to the exterior of the Challenger. Kelley, a passenger, did not have a possessory interest of any kind in the Challenger. He argues nonetheless that he had a reasonable expectation of privacy in the Challenger because he rode in it frequently and sometimes left a bag in it. Frequently being a passenger, and occasionally leaving property in the Challenger, did not generate for Kelley a reasonable expectation of privacy in the Challenger under *Rakas* and *Lovett*. Both of those cases

link a reasonable expectation of privacy to a passenger's possessory interest in the vehicle. *See Rakas*, 439 U.S. at 148-49; *Lovett*, 2015 ME 7, ¶¶ 8-9, 109 A.3d 1135. In the absence of evidence supporting Kelley's claim of a reasonable expectation of privacy in the Challenger, the Court finds he lacks standing to contest Warrants I and II.¹ Correspondingly, the Court does not address whether Warrants I and II were supported by probable cause.

B. Kelley Lacks Standing to Challenge the Searches of the Challenger on the Alternative Basis that they Occurred Out of State.

The same standing analysis that applied above to Warrants I and II applies here also. The searches that occurred under the authority granted in Warrants I and II were of the Challenger. Kelley did not have a reasonable expectation of privacy in the Challenger. As a result, Kelley does not have standing to challenge Warrants I and II because the searches of the Challenger occurred out of state.

¹ Kelley's claim that he has standing relies on five cases, none of which support his argument. Kelley first cites *Brendlin v. California* for the proposition that all occupants of a vehicle are considered seized under the Fourth Amendment when a vehicle is stopped. 551 U.S. 249 (2007). This proposition is inapposite because Kelley was not stopped under Warrants I and II. Kelley next cites *United States v. Jones* for the proposition that when a tracking device is placed on a vehicle it violates the operator's right to privacy. 565 U.S. 400 (2012). But in *Jones*, the United State Supreme Court explicitly noted that "Jones . . . possessed the Jeep at the time the Government trespassorily inserted the" electronic tracker. *Id.* at 410. The relationship of Jones to his Jeep is different from that of Kelley to Wedge's Challenger. Kelley's reliance on *State v. Maloney*, 1988 ME 56, 708 A.2d 277 and *State v. Ayers*, 464 A.2d 963 (Me. 1983) is simply to support the unchallenged proposition that on a motion to suppress a defendant must demonstrate that his expectation of privacy was violated. Noteworthy is that in *Maloney* the defendant was the operator of the vehicle and in *Ayers* the facts are entirely unrelated to the instant case. *See Maloney*, 1988 ME 56, 708 A.2d 277; *Ayers*, 464 A.2d 963. Finally, Kelley's use of *State v. Lovett* is misplaced because *Lovett*, as this Court has discussed above, supports a holding that Kelley cannot contest Warrants I and II because he had no possessory interest in the Challenger. 2015 ME 7, 109 A.3d 1135.

C. Kelley Lacks Standing to Challenge Warrant III.

Finally, Kelley challenges Warrant III on the basis that “it was obtained as a result of the [two allegedly] illegal searches,” and argues its fruits should therefore be suppressed.² (Def.’s Mot. Suppress 2.) Again, the State responds that Warrant III was supported by sufficient probable cause and, even if it was not, the deficiency is rescued by the good faith exception. As with Warrants I and II the Court must at the outset consider Defendant’s standing. As with Warrants I and II, Warrant III relates solely to the search of the Challenger. For the same reasons addressed above, Kelley did not have a reasonable expectation of privacy in the Challenger and does not have standing to challenge the search authorized by Warrant III. The same result would obtain even if Kelley had standing to challenge Warrant III because his basis for doing so is entirely derivative of his arguments challenging Warrants I and II.

IV. CONCLUSION

Kelley lacks standing to challenge any of the three warrants in this case. Without standing, this Court need not address Kelley’s arguments concerning probable cause and the validity of using data generated out of state. As a result, Kelley’s Motion to Suppress is denied in full.

² Kelley’s Motion and Kelley’s argument at the hearing do not make clear whether Kelley intends to argue that Warrant III should fail because, with the invalidation of Warrants I and II, Warrant III would be tainted as fruit of the poisonous tree, or because, without the evidence supplied by Warrants I and II, Warrant III would lack sufficient probable cause. This question is made moot by Kelley’s lack of standing to challenge Warrant III.

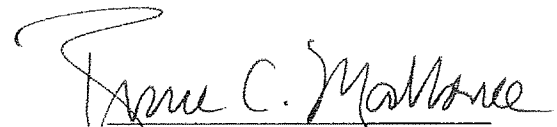
Entry is:

Defendant Richard Kelley's Motion to Suppress is **DENIED**.

The clerk is directed to incorporate this order into the docket, by reference, pursuant to M.R. Crim.

P. 53(a).

January 18, 2025
Date


Bruce C. Mallonee
Justice, Maine Superior Court

standing, the Court would be required to consider it. *Id.* Here, the Court fully considered standing, and, although the State eventually conceded the issue, that concession was not offered until after Kelley had argued the issue thoroughly in his brief and had addressed it further at the hearing. Kelley's current argument identifies no omission in his argument that might justify reconsideration.

Kelley next argues the evidence shows he had standing. He cites no evidence and advances no legal argument not addressed in his initial written and oral arguments that might support his contention.

For the sake of clarity, the Court addresses again the substance of his argument. Kelley relies on *U.S. v. Jones* to suggest an invalid search occurred here.¹ The inquiry into whether passengers in a vehicle have standing to challenge a search turns on whether they have a possessory interest in the vehicle. *See Rakas v. Illinois*, 439 U.S. 128, 148 (1978); *Lovett*, 2015 ME 7, ¶ 8, 109 A.3d 1135.² Passengers without any possessory interest in a vehicle do not “have a legitimate expectation of privacy” in the vehicle they occupy. *Rakas*, 439 U.S. at 148-49. The First Circuit, relying on *Rakas*, held that “passengers in automobiles who assert no property or possessory interest in a vehicle cannot be said to have the requisite expectation of privacy in the vehicle” for standing. *United States v. Campbell*, 741 F.3d 251, 263 (1st Cir. 2013). Many other courts, relying on *Rakas*, have held that a passenger who has no property or possessory interest in a vehicle cannot challenge the search of that vehicle.³

¹ *Jones* stands for the proposition that when a tracking device is placed on a vehicle it violates the operator's right to privacy. 565 U.S. 400 (2012). Kelley neither owned nor drove the car in this case and therefore *Jones* is of no avail to the defense.

² In this motion, Kelley suggests that *Lovett* is inapposite because in *Lovett* the State did not concede standing and the passenger did not have the same level of regular contact with the car as does Kelley in the instant case. But whether the State concedes standing has no effect on standing. Furthermore, *Lovett* firmly holds that standing turns on whether the defendant has a possessory interest in the car, which Kelley did not. *See Lovett*, 2015 ME 7, ¶ 8, 109 A.2d 1135.

³ *See United States v. Russell*, 26 F.4th 371, 377 (6th Cir. 2022); *United States v. Marcum*, 797 Fed. Appx. 278, 281 (9th Cir. 2019); *United States v. Lee*, 586 F.3d 859, 864-65 (11th Cir. 2009); *United States v. Carter*, 300 F.3d 415, 421 (4th Cir. 2022); *United States v. Baker*, 221 F.3d 438, 441-42 (3d Cir. 2000); *United States v. Riasco*, 91 F.3d 752, 754-55 (5th Cir. 1996); *United States v. Mangum*, 100 F.3d 164, 170, n.8 (D.C. Cir. 1996); *United States v. Price*, 54 F.3d 342, 345-46 (7th Cir. 1995); *United States v. Perea*, 986 F.2d 633, 639 (2d Cir. 1993).

The Court notes the persuasive reasoning of courts that have addressed what effect being a longer-term passenger has on a passenger's standing. In *United States v. Jefferson* the Tenth Circuit held that a passenger who joined the owner of a car on a long trip and even was driving at the time of the stop did not have standing to challenge the car's search. *Jefferson*, 925 F.2d 1242, 1249-51 (10th Cir. 1991) ("We do not believe that the Supreme Court intended that any time an accused takes a long distance road trip in a car, the car is to be treated like a home for Fourth Amendment purposes. The point remains that regardless of whether it is driven across town or the country, a car does not envelop its occupants in a house-like cloak of Fourth Amendment protection."). In *United States v. Anguiano* the Eighth Circuit held that a passenger in car stopped in Iowa lacked standing to challenge the vehicle's search despite his having been in the car for the duration of a trip from Nevada. *Anguiano*, 795 F.3d 873, 877-79 (8th Cir. 2015) ("[T]he mere duration and distance of his trip alone is insufficient to elevate Anguiano's status beyond a mere passenger without a reasonable expectation of privacy.").

In conclusion, Kelley fully argued the issue of standing and, in his renewed argument, has offered no evidence or new arguments that might persuade the Court that he has standing to contest the search of the car. Mr. Kelley's motion must therefore be denied.

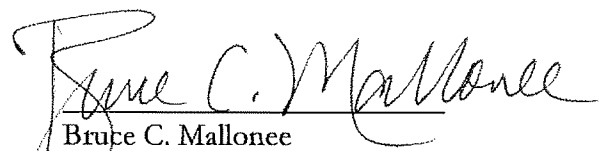
Entry is:

Defendant Richard Kelley's Motion to Reconsider is **DENIED**.

The clerk is directed to incorporate this order into the docket, by reference, pursuant to M.R. Crim.

P. 53(a).

04/18/2023
Date


Bruce C. Mallonee
Justice, Maine Superior Court

It is ordered that the defendant forfeit and pay the sum of \$ _____ as restitution for the benefit of _____ (17-A M.R.S. § 1152-2-A).

- Restitution is joint and several pursuant to 17-A M.R.S. § 1326-E.
- Restitution is to be paid through the Office of the prosecuting attorney, except that during any period of commitment to the Department of Corrections and/or any period of probation imposed by this sentence, restitution is to be paid to the Department of Corrections.
- A separate order for income withholding has been entered pursuant to 17-A M.R.S. § 1326-B incorporated by reference herein.
- Execution/payment stayed to pay in full by _____
- Installment payments of _____ to be made (weekly) (biweekly) (monthly) or warrant to issue
- Restitution is to be paid to the Department of Corrections on a schedule to be determined by the Department.

It is ordered pursuant to applicable statutes, that the defendant's motor vehicle operator's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license and/or the defendant's right to register a motor vehicle is suspended in accordance with notice of suspension incorporated herein.

It is ordered that the defendant perform _____ hours of court-approved community service work within _____ (weeks) (months) for the benefit of _____.

- It is ordered that the defendant pay \$ _____ for each day served in the county jail, to the treasurer of the above named county. (up to \$80/Day) (17-A M.R.S. § 1341)
- Execution/payment stayed to pay in full by _____ or warrant to issue.

It is ordered that the defendant shall participate in alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the office of substance abuse. (29 M.R.S. § 1312-B (2)(D-1), 29-A M.R.S. § 2411 (5)(F))

It is ordered that the defendant forfeit to the state the firearm used by the defendant during the commission of the offense(s) shown above. (17-A M.R.S. § 1158)

It is ordered that the defendant is prohibited from owning, possessing or having under the defendant's control a firearm. (15 M.R.S. § 393)

Other: _____

It is ordered that the defendant be unconditionally discharged. (17-A M.R.S. § 1201)


If the defendant has been convicted of an applicable offense listed in 25 M.R.S. § 1574, then the defendant shall submit to having a DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of the probation period as directed by the probation officer.

WARNING: IT IS A VIOLATION OF STATE LAW, AND MAY BE A VIOLATION OF FEDERAL LAW, FOR THE DEFENDANT TO OWN, POSSESS OR HAVE UNDER THEIR CONTROL A FIREARM IF THAT PROHIBITION HAS BEEN ENTERED AS PART OF THIS JUDGMENT OR ANY OTHER COURT ORDER.

It is further ordered that the clerk deliver a certified copy of this judgment and commitment to the sheriff of the above named county or his authorized representative and that the copy serve as the commitment of the defendant. Reasons for imposing consecutive sentences are contained in the court record or in attachments hereto.

All pending motions, other than motions relating to payment of fees and bail are hereby declared moot (except _____.)

A TRUE COPY, ATTEST: _____
Clerk



Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on the Social Security Disclosure Form is mandatory under 36 M.R.S. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money, which I owe to the State of Maine, will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

Date: 1/5/2024

~~SS Number Disclosure Required on separate form.~~

Defendant *Robert Kelly*
Address _____

DEFENDANT- RICHARD K KELLEY

D.O.B. 12/24/1984

SS Number Disclosure Required on Separate Form,

You have been convicted of Aggravated Trafficking of Scheduled Drugs which (is a)(are) Class A crime(s). You are placed on probation and committed to supervision by the Department of Corrections for the term of 4 months 4 years subject to the conditions listed below.

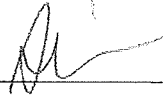
THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

- 1. refrain from all criminal conduct and violation of federal, state and local criminal 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. 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.
8. waive extradition back to the State of Maine from any other place.
9. 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.
10. pay to the Department of Corrections a supervision fee of \$16- per month.
11. provide a DNA sample if convicted of applicable offense listed in 25 M.R.S. § 1574.
12. pay to the Department of Corrections an electronic monitoring fee substance testing fee of \$ per month year.
13. not use possess OR excessively use or possess alcohol; and use possess OR excessively use or possess marijuana or marijuana products; and use or possess any illegal drugs or their derivatives; and use or possess any dangerous weapons or firearms.
14. submit to random search and testing for alcohol illegal drugs or their derivatives marijuana or marijuana products firearms dangerous weapons obscene/sexually explicit material at the direction of a probation or law enforcement officer.
15. complete evaluation and counseling and treatment as an out-patient in-patient at or a similar facility as directed by your probation officer for substance abuse sexual offender psychological certified batterer's intervention anger management medical issues and sign any releases requested by your probation officer.
16. pay restitution in the [maximum] amount of \$ through the Department of Corrections Office of District Attorney by for the benefit of joint and several with Installment payment of \$ to be made weekly biweekly monthly.
17. pay all fines, fees, surcharges and assessments in full and counsel fees as ordered to the clerk of this court not later than (date), on a schedule set by the court or your probation officer.
18. not operate or attempt to operate any motor vehicle (including ATV, snowmobile, motorboat, powerboat or aircraft) until properly licensed by the Secretary of State.
19. not associate with any other person who is on probation or parole without written permission of your probation officer.
20. have no contact with male female children under the age of direct or indirect.
21. have no direct or indirect contact with (name and dob) except as is necessary; for counseling; to pay child support; for child contact; by telephone; with written permission of your probation officer or the court; and not enter any residence place of employment place of education of any such person(s).
22. not be present in an establishment that serves liquor for on-premises consumption after AM/PM.
23. support your dependents and meet family responsibilities.
24. not view or possess any obscene/sexually explicit material.
25. not have any possessory interest in any bank account except as authorized in writing by your probation officer.
26. appear for periodic judicial review as directed by the court or your probation officer.
27. participate in an electronic monitoring program.
28. perform hours of public service work within months as directed by your probation officer.
29. Other:

If you violate or fail to fulfill any of the above conditions you may be arrested, your probation may be revoked and you may be required to serve the rest of your sentence in jail or prison.

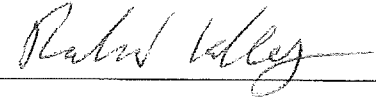
ORDERED: All conditions of probation are incorporated into the judgment and docket by reference.

Date: 1/5/24

Justice/Judge 

I acknowledge receipt of these conditions and accept them as written.

Witness: 

Probationer 

STATE OF MAINE
PENOBSCOT, ss

PENOBSCOT COURT
LOCATION: BANGOR
DOCKET NO: 21-670

STATE OF MAINE

INDICTMENT

v.

RICHARD KELLEY
DOB: [REDACTED]/1984
SIN: ME0111996
[REDACTED]

**COUNT 1: AGGRAVATED TRAFFICKING IN
SCHEDULED DRUGS
COUNT 2: CRIMINAL FORFEITURE**

G: Male Ht: 6' 0" Wt: 200 H: Brown
E: Brown R: White

THE GRAND JURY CHARGES:

COUNT 1:

**17-A M.R.S. §1105-A(1)(M)
Seq No: 13783
AGGRAVATED TRAFFICKING IN SCHEDULED
DRUGS
CLASS A
ATNCTN 396905B001**

On or about February 22, 2021, in Newport, Penobscot County, Maine, **RICHARD KELLEY**, did intentionally or knowingly traffick in what he knew or believed to be a scheduled drug, which was in fact fentanyl powder, a schedule W drug. At the time of the offense, **RICHARD KELLEY** trafficked in fentanyl powder in a quantity of 6 grams or more or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder.

COUNT 2:

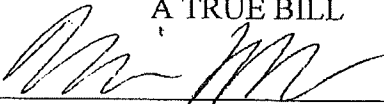
**15 M.R.S. §5826
Seq No: 7049x1
CRIMINAL FORFEITURE
CLASS
ATNCTN 396905B002**

On or about February 22, 2021, in Newport, Penobscot County, Maine, **RICHARD KELLEY**, furnished or intended to furnish the below described money in exchange for scheduled drugs in violation of 17-A, chapter 45 of the Maine Revised Statutes; or the below described money is proceeds traceable to such an exchange; or the below described money was used or intended to be used by him to facilitate any violation of Title 17-A M.R.S., chapter 45, or used to facilitate a violation of Title 17-A M.R.S., chapter 45; and by virtue of the foregoing, any and all interest that **RICHARD KELLEY** has in the below described money is vested in the State of Maine as of February 22, 2021.

Currency Type: U.S. Currency
Amount: \$9,300.00
Place Seized: Newport, Maine
Date Seized: February 22, 2021

DATED: May 26, 2021

A TRUE BILL



FOREPERSON

OFFICER: Timothy Frost
DEPT: Maine Drug Enforcement Agency
PROS: Jason Horn JW#: 21-858
(Inc: 21D000402)

STATE OF MAINE
PENOBSCOT, SS.

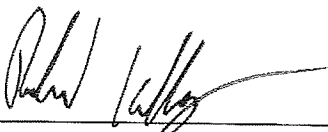
UNIFIED CRIMINAL DOCKET
BANGOR

STATE OF MAINE)	DOCKET NO. CR-21-670
)	
v.)	
RICHARD KELLEY)	CONDITIONAL GUILTY PLEA (UCD R. 11(a)(2))

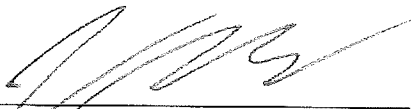
The Defendant, Richard Kelley, agrees to enter a conditional guilty plea in the above-captioned matter as follows:

1. The Defendant hereby enters a conditional guilty plea to Count 1 of the Indictment.
2. The terms of the conditional guilty plea are the Defendant reserves the right to appeal to the Maine Supreme Judicial Court from the following decision of the Court: (1) the Order denying the Defendant's motion to suppress evidence and (2) the Order denying the Defendant's motion to reconsider the motion to suppress evidence.
3. The parties agree and hereby certify pursuant to UCD Rule 11(a)(2) that the record is adequate for appellate review and that the case is not appropriate for application of the harmless error doctrine. If Defendant prevails on appeal, the parties agree that Defendant shall be allowed to withdraw his plea of guilty.

Dated: 1/5/24


Richard Kelley


Dated: 1-5-24



Hunter J. Tzovarras, Esq.

The Attorney for the State hereby consents to the forging conditional guilty plea agreement.

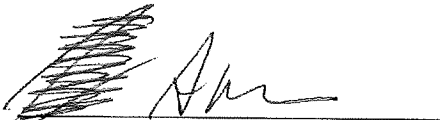
Dated:



Jason Horn, Esq.

The foregoing conditional guilty plea of Defendant is hereby (Approved) / (~~Denied~~).

Dated: 1.5.24



Justice/Judge

WARRANT AUTHORIZING THE INSTALLATION AND USE
OF AN ELECTRONIC TRACKING DEVICE

Upon the application of the State of Maine, and the Affidavit of Special Agent Timothy Frost and full consideration having been given to the matter, the Court finds:

- a. There is probable cause to believe that Keith Wedge has committed and is committing violations of Title 17-A, M.R.S.A., Sections 1103 and 1107-A, Chapter 45.
- b. There is probable cause to believe that the vehicle described in the Application and Affidavit of Special Agent Timothy Frost described as a white 2013 Dodge Challenger sedan, bearing ME LB 773BEE is being used to facilitate the distribution of Heroin, Crystal Methamphetamine, and/or Cocaine in violation of Title 17-A, M.R.S.A., Chapter 45.

THEREFORE, IT IS HEREBY ORDERED that officers of the Maine Drug Enforcement Agency and/or other authorized officers assisting them, are hereby authorized to:

A. Install and operate an electronic tracking device on the subject vehicle during the daytime or nighttime. The electronic tracking device may be operated and monitored continuously throughout the period of this warrant and may be monitored when the subject vehicle is located in a place where there is a reasonable expectation of privacy. The electronic tracking device may be installed in any reasonable manner to the vehicle. The electronic tracking device will be installed to the exterior of the vehicle. The unit is powered by using the unit's own battery power. The electronic tracking device shall be removed upon attainment of the objective of the investigation or upon the expiration of this Order or any extensions.

B. Said officers or representatives of the Maine Drug Enforcement Agency are authorized to surreptitiously enter into the subject vehicle at any hour of the day or night in order to install the electronic tracking device, remove the electronic tracking device or to make any mechanical adjustments should the device become inoperable; surreptitious entry to also include onto the curtilage including the driveway and/or parking area of [REDACTED]

IT IS FURTHER ORDERED that this Warrant may be executed at any hour of the day or night and must be executed no later than ten (10) days from the date of the issuance of this Warrant.

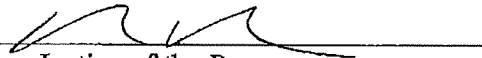
IT IS FURTHER ORDERED that this authorization to operate the electronic tracking device as a physical surveillance aid must terminate when the objective of the investigation is reached or, in any event, at the end of sixty (60) days from the date of this warrant, whichever is earlier.

IT IS FURTHER ORDERED that officers of the Maine Drug Enforcement Agency are not required to leave a copy of this Warrant in any premises or vehicle entered due to the covert nature of this installation and investigation. A copy of the Warrant will be left with the vehicle upon removal of the tracking device or provided to the owner within fourteen (14) days of removal of the tracking device.

IT IS FURTHER ORDERED that the application and affidavit in support thereof, and this Warrant shall be placed under SEAL until further order of this Court, except in the ordinary course of discovery.

ISSUED at Ellsworth in the County of Hancock this 24th day of November 2020.

Time Issued: 2:23 p.m.


Justice of the Peace
Judge/Justice Unified Criminal Court

U

STATE OF MAINE

- UNIFIED CRIMINAL DOCKET
- SUPERIOR COURT
- DISTRICT COURT

County: Hancock
 Location: Ellsworth
 Docker No: _____

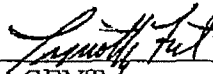
INVENTORY
 (M.R.U. Crim. P.41)

The following material(s) were seized pursuant to the above search warrant:

On November 24th, 2020, the within search warrant, to which this inventory is data received from an electronic tracking device which was attached to Keith Wedge's vehicle. The digital data from the electronic tracking device are contained on a disc and as an attachment in the case file.

The seizure was done by S/A Timothy Frost. This inventory is a true and detailed account of all items seized under the within search warrant to which this inventory is stored digital data.

Dated: 3/01/2021

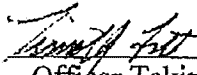


 AGENT
 Maine Drug Enforcement Agency

VERIFICATION

The Maine Drug Enforcement Agency seized the property set forth in this inventory pursuant to the above-described search warrant:


Date: 3/01/2021



 Officer Taking Property

Personally, appeared the above named, Timothy Frost, and made oath to the truth of the foregoing inventory.

Date: 3/01/2021



 Clerk/Notary

MAR 1 2021 AM 11:42
 HANCOCK COUNTY COURTS

STATE OF MAINE
HANCOCK, SS

UNIFIED CRIMINAL DOCKET
Division of: Hancock
Location: Ellsworth
Docket No.

APPLICATION FOR A WARRANT AUTHORIZING THE USE
OF AN ELECTRONIC TRACKING DEVICE

To: Any Judge of the Unified Court or Justice of the Peace:

Based upon the Affidavit of applicant Special Agent Timothy Frost, a law enforcement officer with the Maine Drug Enforcement Agency, which is attached hereto and incorporated herein by reference, applicant hereby applies for a Warrant authorizing the use of an Electronic Tracking Device on a white 213 Dodge Challenger sedan, bearing Maine registration number 773BEE (lobster specialty plate), for a period of sixty (60) days in an investigation of offenses committed by Keith Wedge (DOB [REDACTED] 1985). The registrant is Keith Wedge. Keith is using the above listed vehicle in violation of Title 17-A, M.R.S.A., Sections 1103 and 1107.

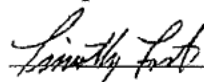
Applicant further requests that the Warrant authorize surreptitious entry into the subject vehicle at any hour of the day or night in order to install the electronic tracking device, remove the electronic tracking device or to make any mechanical adjustments should the device become inoperable; surreptitious entry to also include onto the curtilage including the driveway and/or parking area of [REDACTED]

Applicant further requests that the Warrant authorize that officers of the Maine Drug Enforcement Agency are not required to leave a copy of the Warrant in any premises or vehicle entered due to the covert nature of this installation and investigation. A copy of the warrant will be left with the vehicle upon the removal of the tracking device, or served upon the registrant, Keith Wedge, within fourteen (14) days of removal of the tracking device.

Applicant further requests that this application, affidavit and the Warrant be placed under seal until sixty (60) days after the expiration of the Warrant, except in the ordinary course of discovery.

Date: November 24, 2020

Affiant



S/A Timothy G. Frost
Maine Drug Enforcement Special Agent

IN THE MATTER OF THE APPLICATION OF SPECIAL AGENT TIMOTHY FROST OF
THE MAINE DRUG ENFORCEMENT AGENCY
FOR A WARRANT AUTHORIZING THE INSTALLATION AND USE OF AN
ELECTRONIC TRACKING DEVICE

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Timothy G. Frost, being duly sworn, depose and say:

I am an investigative or law enforcement officer and am empowered by law to conduct investigations of and to make arrests for the offenses in violation of the Maine Criminal Statutes.

I am a law enforcement officer, Special Agent with the Maine Drug Enforcement Agency. During the course of my employment, I have received training in drug identification and investigation of drug related offenses. I have had training and experience in working with confidential informants. I am currently investigating a conspiracy among several individuals to distribute illegal scheduled drugs in Hancock County. In connection with my official duties, I investigate criminal and civil violations of the Maine Criminal Statutes. I have received special training in the enforcement of laws concerning controlled substances as found in Title 17-A, M.R.S.A., section 1102. In connection with my duties and responsibilities as a law enforcement officer, I have testified in judicial proceedings and prosecutions for violations of laws concerning controlled substances.

This affidavit is being submitted in support of an application which seeks a Warrant authorizing the use of an electronic tracking device on a white 2013 Dodge Challenger sedan, bearing Maine registration number 773BEE (lobster specialty plate), registrant Keith Wedge and authorization to make surreptitious entry (31 Bernard Road, Tremont, ME 04612) to install or to remove the mobile tracking device and to reenter the subject vehicle at any time, should the device be rendered inoperable.

AFFIDAVIT OF PROBABLE CAUSE:

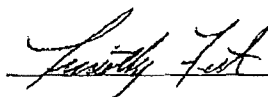
1. As part of an ongoing drug trafficking investigation involving Keith Wedge (DOB [REDACTED]/1985), Your affiant reviewed intelligence reports accumulated by the Maine Drug Enforcement Agency.
2. On 9/24/2020, you affiant debriefed an individual who expressed interest in becoming a registered informant for MDEA in hopes a prosecutor will take their cooperation into consideration on pending operating after suspension, false attachments, and possession of schedule drugs charges. No promises of leniency were expressed or implied by your affiant. The individual provided the following information about Keith. Described him as the "heroin guy" and stated he resides on the Bernard Road in Tremont with his mother.
3. Keith purchases "fingers" (approximately 10 grams) of heroin, that he gets in Bangor. The individual is unaware of who Keith's source is but knows he will ask friends for rides when he's out. The individual stated Keith resides with his mother, Deb, who knows exactly what he is doing and doesn't care.
4. Your affiant was familiar with who the individual was explaining after your affiant had received other drug intel from other sources, identifying this individual as Keith Wedge from Tremont. The individual stated they owe Keith \$50.00 from their last purchase of heroin, stating he charges \$200.00 per gram. The most amount the individual has purchased from Keith was 7 (seven) grams which was worth \$800.00.
5. On 10/16/2020, Special Agent Brian Smith met with an individual who was willing to provide information about a recent overdose that had occurred and where they had obtained the illegal drugs that caused the overdose. The individual explained to S/A Smith that they bumped into a friend named, Keith Wedge (DOB [REDACTED]85), in the parking lot of Walmart in Ellsworth. The individual stated Wedge had borrowed \$50.00 (fifty dollars) several months back and he wanted to pay the individual back. The individual stated Wedge did not have cash but had heroin and gave the individual a small amount inside tin foil fold. The individual used the heroin later in the evening and overdosed.

6. On 11/12/2020 your affiant received an e-mail from the Supervisor of the MDEA North Central Task Force Office who provided the following information about drug activity in Tremont, ME: "Bangor (PD) stopped a guy last night that has been running for Nickolas Raines (a known drug distributor) in Bangor. The individual stated last week Raines had the individual go to [REDACTED], house has lobster stuff out front and there was a challenger with lobster tags in the driveway. The individual took 4k down to the drugs. The guy the individual dealt with has red curly hair and a beard."
7. After reviewing the e-mail your affiant was familiar with the address and description of the individual from past intels as Keith Wedge and the residence he resides at, [REDACTED].
8. On 11/13/2020, your affiant conducted surveillance at Keith's residence. During the surveillance the Dodge Challenger sedan, Maine lobster registration plate 773BEE registered to Keith Wedge, was in the driveway of [REDACTED] and was later seen coming and going to the residence throughout the afternoon.
9. On 11/20/2020, your affiant conducted surveillance at Keith's residence, along with Special Agent David Lord. While conducting surveillance the white Dodge Challenger was seen leaving the residence and meeting with an unknown male individual at Hansen's Outpost, 42 Tremont Road, Bass Harbor, ME. While there the unknown male individual spoke to the operator of the vehicle and minutes later the Dodge Challenger left and returned to Keith's residence.
10. On 11/23/2020, your affiant conducted surveillance again on Keith's Dodge Challenger which was observed traveling north on Route 102 in Bar Harbor. Your affiant followed the vehicle as it traveled through Ellsworth and towards Route 1A, heading towards Bangor. Your affiant and other agents were able to track the Dodge Challenger to the Dollar Tree parking lot on Union Street in Bangor, ME. An unknown male individual who exited the passenger seat of the Dodge Challenger went into the store but minutes later came back out to the vehicle. After a while, agents observed two individuals, a male and female, arrive to the parking lot on foot (from Third Street in Bangor) and get into the Dodge Challenger sedan. Once in the vehicle, agents were able to follow the Dodge Challenger to the residence of [REDACTED] in Bangor. This residence is currently being investigated by the Federal DEA (Drug Enforcement Administration) and ATF

(Alcohol, Tobacco, and Firearms) agencies based on drug and gun trafficking investigations. Two individuals, a male and female, exited the Dodge Challenger and went inside this residence. Approximately 10 (ten) minutes later, they returned to the vehicle and agents continued tracking it back through Bangor after it left the residence.

11. The Dodge Challenger was seen arriving to Carroll Street in Bangor, where it dropped off the two individuals at a residence, the same individuals who had arrived on foot at the Dollar Tree earlier. Your affiant and other agents continued surveillance on the Dodge Challenger as it continued towards Route 1A, heading south towards Tremont.
12. On 11/24/2020, your affiant received an e-mail from Special Agent Paul Gauvin who monitors the license plate reader (LPR) system in the Brewer area. The Dodge Challenger registration plate number was entered into the LPR system where a review was created. Within this month, the LPR has indicated 6 (six) alerts on the Dodge Challenger entering/exiting the Brewer area.

WHEREFORE, UNDER OATH AND AFFIRMATION, I, Special Agent Timothy Frost, your affiant, request that a Warrant may issue authorizing the installation and use of an electronic tracking device on the subject vehicle as described in the attached application and this affidavit. I hereby swear under oath and state that the information in my affidavit dated November 24, 2020 is true and correct to the best of my knowledge, information and belief, and that I have probable cause to install the electronic tracking device on the basis of the information contained in all of the preceding pages.

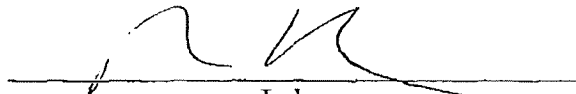


Affiant

Maine Drug Enforcement Special Agent

Title

Subscribed and sworn to before me this 24th day of November 2020.



Judge

WARRANT AUTHORIZING THE INSTALLATION AND USE
OF AN ELECTRONIC TRACKING DEVICE

Upon the application of the State of Maine, and the Affidavit of Special Agent Timothy Frost and full consideration having been given to the matter, the Court finds:

- a. There is probable cause to believe that Keith Wedge has committed and is committing violations of Title 17-A, M.R.S.A., Sections 1103 and 1107-A, Chapter 45.
- b. There is probable cause to believe that the vehicle described in the Application and Affidavit of Special Agent Timothy Frost described as a white 2013 Dodge Challenger sedan, bearing ME LB 773BEE is being used to facilitate the distribution of Heroin, Crystal Methamphetamine, and/or Cocaine in violation of Title 17-A, M.R.S.A., Chapter 45.

THEREFORE, IT IS HEREBY ORDERED that officers of the Maine Drug Enforcement Agency and/or other authorized officers assisting them, are hereby authorized to:

A. Install and operate an electronic tracking device on the subject vehicle during the daytime or nighttime. The electronic tracking device may be operated and monitored continuously throughout the period of this warrant and may be monitored when the subject vehicle is located in a place where there is a reasonable expectation of privacy. The electronic tracking device may be installed in any reasonable manner to the vehicle. The electronic tracking device will be installed to the exterior of the vehicle. The unit is powered by using the unit's own battery power. The electronic tracking device shall be removed upon attainment of the objective of the investigation or upon the expiration of this Order or any extensions.

B. Said officers or representatives of the Maine Drug Enforcement Agency are authorized to surreptitiously enter into the subject vehicle at any hour of the day or night in order to install the electronic tracking device, remove the electronic tracking device or to make any mechanical adjustments should the device become inoperable; surreptitious entry to also include onto the curtilage including the driveway and/or parking area of [REDACTED].

IT IS FURTHER ORDERED that this Warrant may be executed at any hour of the day or night and must be executed no later than ten (10) days from the date of the issuance of this Warrant.

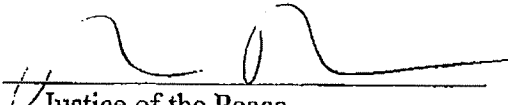
IT IS FURTHER ORDERED that this authorization to operate the electronic tracking device as a physical surveillance aid must terminate when the objective of the investigation is reached or, in any event, at the end of sixty (60) days from the date of this warrant, whichever is earlier.

IT IS FURTHER ORDERED that officers of the Maine Drug Enforcement Agency are not required to leave a copy of this Warrant in any premises or vehicle entered due to the covert nature of this installation and investigation. A copy of the Warrant will be left with the vehicle upon removal of the tracking device or provided to the owner within fourteen (14) days of removal of the tracking device.

IT IS FURTHER ORDERED that the application and affidavit in support thereof, and this Warrant shall be placed under SEAL until further order of this Court, except in the ordinary course of discovery.

ISSUED at Ellsworth in the County of Hancock this 21st day of January 2021.

Time Issued: 12:37 p.m.


Justice of the Peace
Judge/Justice Unified Criminal Court

STATE OF MAINE
HANCOCK, SS

UNIFIED CRIMINAL DOCKET
Division of: Hancock
Location: Ellsworth
Docket No.

APPLICATION FOR A WARRANT AUTHORIZING THE USE
OF AN ELECTRONIC TRACKING DEVICE

To: Any Judge of the Unified Court or Justice of the Peace:

Based upon the Affidavit of applicant Special Agent Timothy Frost, a law enforcement officer with the Maine Drug Enforcement Agency, which is attached hereto and incorporated herein by reference, applicant hereby applies for a Warrant authorizing the use of an Electronic Tracking Device on a white 213 Dodge Challenger sedan, bearing Maine registration number 773BEE (lobster specialty plate), for a period of sixty (60) days in an investigation of offenses committed by Keith Wedge (DOB [REDACTED]/1985). The registrant is Keith Wedge. Keith is using the above listed vehicle in violation of Title 17-A, M.R.S.A., Sections 1103 and 1107.

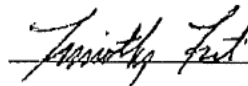
Applicant further requests that the Warrant authorize surreptitious entry into the subject vehicle at any hour of the day or night in order to install the electronic tracking device, remove the electronic tracking device or to make any mechanical adjustments should the device become inoperable; surreptitious entry to also include onto the curtilage including the driveway and/or parking area of [REDACTED]

Applicant further requests that the Warrant authorize that officers of the Maine Drug Enforcement Agency are not required to leave a copy of the Warrant in any premises or vehicle entered due to the covert nature of this installation and investigation. A copy of the warrant will be left with the vehicle upon the removal of the tracking device, or served upon the registrant, Keith Wedge, within fourteen (14) days of removal of the tracking device.

Applicant further requests that this application, affidavit and the Warrant be placed under seal until sixty (60) days after the expiration of the Warrant, except in the ordinary course of discovery.

Date: January 21, 2021

Affiant



S/A Timothy G. Frost
Maine Drug Enforcement Special Agent

IN THE MATTER OF THE APPLICATION OF SPECIAL AGENT TIMOTHY FROST OF
THE MAINE DRUG ENFORCEMENT AGENCY
FOR A WARRANT AUTHORIZING THE INSTALLATION AND USE OF AN
ELECTRONIC TRACKING DEVICE

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Timothy G. Frost, being duly sworn, depose and say:

I am an investigative or law enforcement officer and am empowered by law to conduct investigations of and to make arrests for the offenses in violation of the Maine Criminal Statutes.

I am a law enforcement officer, Special Agent with the Maine Drug Enforcement Agency. During the course of my employment, I have received training in drug identification and investigation of drug related offenses. I have had training and experience in working with confidential informants. I am currently investigating a conspiracy among several individuals to distribute illegal scheduled drugs in Hancock County. In connection with my official duties, I investigate criminal and civil violations of the Maine Criminal Statutes. I have received special training in the enforcement of laws concerning controlled substances as found in Title 17-A, M.R.S.A., section 1102. In connection with my duties and responsibilities as a law enforcement officer, I have testified in judicial proceedings and prosecutions for violations of laws concerning controlled substances.

This affidavit is being submitted in support of an application which seeks a Warrant authorizing the use of an electronic tracking device on a white 2013 Dodge Challenger sedan, bearing Maine registration number 773BEE (lobster specialty plate), registrant Keith Wedge and authorization to make surreptitious entry ([REDACTED]) to install or to remove the mobile tracking device and to reenter the subject vehicle at any time, should the device be rendered inoperable.

AFFIDAVIT OF PROBABLE CAUSE:

1. As part of an ongoing drug trafficking investigation involving Keith Wedge (DOB [REDACTED] 1985), Your affiant reviewed intelligence reports accumulated by the Maine Drug Enforcement Agency.
2. On 9/24/2020, you affiant debriefed an individual who expressed interest in becoming a registered informant for MDEA in hopes a prosecutor will take their cooperation into consideration on pending operating after suspension, false attachments, and possession of schedule drugs charges. No promises of leniency were expressed or implied by your affiant. The individual provided the following information about Keith. Described him as the "heroin guy" and stated he resides on the Bernard Road in Tremont with his mother.
3. Keith purchases "fingers" (approximately 10 grams) of heroin, that he gets in Bangor. The individual is unaware of who Keith's source is but knows he will ask friends for rides when he's out. The individual stated Keith resides with his mother, Deb, who knows exactly what he is doing and doesn't care.
4. Your affiant was familiar with who the individual was explaining after your affiant had received other drug intel from other sources, identifying this individual as Keith Wedge from Tremont. The individual stated they owe Keith \$50.00 from their last purchase of heroin, stating he charges \$200.00 per gram. The most amount the individual has purchased from Keith was 7 (seven) grams which was worth \$800.00.
5. On 10/16/2020, Special Agent Brian Smith met with an individual who was willing to provide information about a recent overdose that had occurred and where the individual had obtained the illegal drugs that caused the overdose. The individual explained to S/A Smith they had bumped into an old friend named, Keith Wedge (DOB [REDACTED] /85), in the parking lot of Walmart in Ellsworth. The individual stated Wedge had borrowed \$50.00 (fifty dollars) several months back and he (Keith) wanted to pay the individual back. The individual stated Wedge did not have cash but had heroin on him and gave the individual a small amount which was inside a tinfoil fold. The individual used the heroin later in the evening and overdosed.

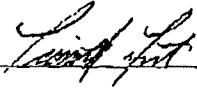
6. On 11/12/2020 your affiant received an e-mail from the Supervisor of the MDEA North Central Task Force Office who provided the following information about drug activity in Tremont, ME: "Bangor (PD) stopped a guy last night that has been running for Nickolas Raines (a known drug distributor) in Bangor. The individual stated last week Raines had the individual go to [REDACTED] house has lobster stuff out front and there was a challenger with lobster tags in the driveway. The individual took 4k down to the drugs. The guy the individual dealt with has red curly hair and a beard."
7. After reviewing the e-mail your affiant was familiar with the address and description of the individual from past intels as Keith Wedge and the residence he resides at, [REDACTED]
8. On 11/13/2020, your affiant conducted surveillance at Keith's residence. During the surveillance the Dodge Challenger sedan, Maine lobster registration plate 773BEE registered to Keith Wedge, was in the driveway of [REDACTED] and was later seen coming and going to the residence throughout the afternoon.
9. On 11/20/2020, your affiant conducted surveillance at Keith's residence, along with Special Agent David Lord. While conducting surveillance the white Dodge Challenger was seen leaving the residence and meeting with an unknown male individual at Hansen's Outpost, [REDACTED] [REDACTED]. While there the unknown male individual spoke to the operator of the vehicle and minutes later the Dodge Challenger left and returned to Keith's residence.
10. On 11/23/2020, your affiant conducted surveillance again on Keith's Dodge Challenger which was observed traveling north on Route 102 in Bar Harbor. Your affiant followed the vehicle as it traveled through Ellsworth and towards Route 1A, heading towards Bangor. Your affiant and other agents were able to track the Dodge Challenger to the Dollar Tree parking lot on Union Street in Bangor, ME. An unknown male individual who exited the passenger seat of the Dodge Challenger went into the store but minutes later came back out to the vehicle. After a while, agents observed two individuals, a male and female, arrive to the parking lot on foot (from Third Street in Bangor) and get into the Dodge Challenger sedan. Once in the vehicle, agents were able to follow the Dodge Challenger to the residence of [REDACTED]. This residence is currently being investigated by the Federal DEA (Drug Enforcement Administration) and ATF

- (Alcohol, Tobacco, and Firearms) agencies based on drug and gun trafficking investigations. Two individuals, a male and female, exited the Dodge Challenger and went inside this residence. Approximately 10 (ten) minutes later, they returned to the vehicle and agents continued tracking it back through Bangor after it left the residence.
11. The Dodge Challenger was seen arriving to Carroll Street in Bangor, where it dropped off the two individuals at a residence, the same individuals who had arrived on foot at the Dollar Tree earlier. Your affiant and other agents continued surveillance on the Dodge Challenger as it continued towards Route 1A, heading south towards Tremont.
 12. On 11/24/2020, your affiant received an e-mail from Special Agent Paul Gauvin who monitors the license plate reader (LPR) system in the Brewer area. The Dodge Challenger registration plate number was entered into the LPR system where a review was created. Within this month, the LPR has indicated 6 (six) alerts on the Dodge Challenger entering/exiting the Brewer area. On this day, your affiant received a court approved electronic tracking device warrant to affix to Keith's vehicle to further assist in the investigation.
 13. On 12/02/2020, your affiant was able to affix the MDEA issued tracking device to Keith's vehicle. Since installing the tracking device your affiant has been able to observe and monitor Keith's vehicle traveling to Bangor at least one to three times per week. Some of the locations where Keith's vehicle had stopped or gone to were identified by MDEA North Central Task Force agents as known drug distributing locations in the Bangor and Brewer areas. While monitoring some of the playback features of the tracking software (the ability to review certain day and time frame of events) your affiant was able to observe the vehicle stopping at locations in Trenton, Tremont, and Southwest Harbor that are known locations/residences that have been reported to local law enforcement agencies as locations where drug abusers reside or meet.
 14. On 1/07/2021, your affiant debriefed an individual who expressed interest in becoming a registered informant for MDEA. No promises of leniency were expressed or implied by your affiant. The individual provided the following information about Keith. The individual stated they've known Keith for years and in the past couple years knows he's been selling heroin (with fentanyl), fentanyl, crack cocaine, and cocaine. The individual stated they know Keith travels to Bangor to get more when he's out or needs more and it's

usually every three to four days a week. The individual has seen Keith with a normal size zip-lock baggie almost full of each described drug and that he will bring them back to his house on the Bernard Road and then divides it up to re-sell for half a gram or gram sizes. The individual stated Keith does "front" (provide product before payment) a lot of the drugs but will ask \$150.00 for a half a gram and \$200.00 for a gram (one).

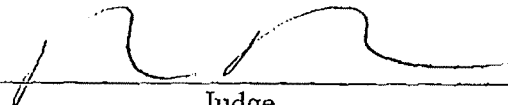
15. The individual stated Keith operates a white Dodge Challenger with racing stripes and claw decals on it. They also stated he'll (Keith) drive around with the quantity of drugs he needs to sell to individuals in Lamoine, Trenton, Tremont, Southwest Harbor, and Bass Harbor and leaves most of it at his residence.
16. On 1/13/2021, the MDEA Downeast Task Force Office utilized a cooperating individual (CI) to complete a controlled purchase from Keith Wedge. The CI and Keith had pre-arranged to complete the transaction for 1 (one) gram of heroin for \$300.00 at Keith's residence, [REDACTED]. Your affiant and other agents met with the CI prior to the purchase and provided MDEA funds to complete the transaction, along with an electronic transmitting device (ETD) to monitor the communications between the CI and Keith.
17. Agents followed the CI to Keith's residence, while there the CI met with Keith and completed the transaction with only him on his front porch. Keith made open statements to the CI about being arrested the prior night for operating under the influence and before being placed in handcuffs by the arresting officer he was able to stash a "finger" in his vehicle (the Dodge Challenger) without the officer noticing. Once the transaction was completed the CI returned to the post buy location and Keith went back into his residence. While at the post buy location the CI turned over to your affiant a piece of folded up tinfoil. Inside the tinfoil your affiant was able to observe a brownish powdery substance. Once your affiant returned to their office a field test was completed on the brownish powdery substance while utilizing the TruNarc analyzer. The analyzer provided a positive test result for heroin with fentanyl compound or methamphetamine. The substance was also weighed on a MDEA issued scale with a gross weight of 1.3ggw.

WHEREFORE, UNDER OATH AND AFFIRMATION, I, Special Agent Timothy Frost, your affiant, request that a Warrant may issue authorizing the installation and use of an electronic tracking device on the subject vehicle as described in the attached application and this affidavit. I hereby swear under oath and state that the information in my affidavit dated November 24, 2020 is true and correct to the best of my knowledge, information and belief, and that I have probable cause to install the electronic tracking device on the basis of the information contained in all of the preceding pages.



Affiant
Maine Drug Enforcement Special Agent
Title

Subscribed and sworn to before me this 21st day of January 2021.



Judge

U

STATE OF MAINE

- UNIFIED CRIMINAL DOCKET
- SUPERIOR COURT
- DISTRICT COURT

County: Hancock
 Location: Ellsworth
 Docker No: _____

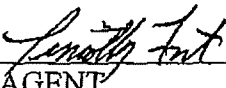
INVENTORY
 (M.R.U. Crim. P.41)

The following material(s) were seized pursuant to the above search warrant:

On January 21st, 2021, the within search warrant, to which this inventory is data received from an electronic tracking device which was attached to Keith Wedge's vehicle. The digital data from the electronic tracking device are contained on a disc and as an attachment in the case file.

The seizure was done by S/A Timothy Frost. This inventory is a true and detailed account of all items seized under the within search warrant to which this inventory is stored digital data.

Dated: 3/01/2021

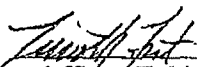


 AGENT
 Maine Drug Enforcement Agency

VERIFICATION

The Maine Drug Enforcement Agency seized the property set forth in this inventory pursuant to the above-described search warrant.

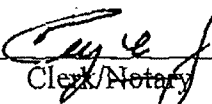
Date: 3/01/2021



 Officer Taking Property

Personally, appeared the above named, Timothy Frost, and made oath to the truth of the foregoing inventory.

Date: 3/01/2021



 Clerk/Notary

MAR 1 2021 AM 11:42
 HANCOCK COUNTY COURTS

STATE OF MAINE

UNIFIED CRIMINAL DOCKET
 SUPERIOR COURT
 DISTRICT COURT

County: Hancock
Location: Ellsworth
Docker No: _____

SEARCH WARRANT
(M.R.U. Crim. P.41)

TO: Any officer authorized by law to execute this search warrant. On the basis of the
 Affidavit(s) by:

S/A Timothy Frost

Dated, February 22, 2021

which affidavit(s) is/are attached to the original hereof and made part thereof to be filed in the Unified Criminal Court at

Ellsworth, ME.

Evidence given under oath/affirmation by _____

Dated, _____

which evidence was recorded on tape number(s) N/A
to be filed in the Unified Criminal Court at N/A

I am satisfied that there is probable cause to believe that there are grounds for the issuance of a search warrant. You are therefore commanded to search the place(s), person(s) and/or electronic device(s) described below for the property, person(s) and/or location or content information described below and, if the person, property, property and/or location or content information is/are found, to seize such property, person(s) and/ or location or content information and prepare a written inventory of the property seized.

Place(s), electronic devices or person(s) to be searched:

Building Vehicle Person(s) located at search location Other

1. A white 2013 Dodge Challenger, Maine VIN# 2C3CDYAG0DH511886, Maine registration Lobster Specialty plate number 773BEE, registered to Keith Wedge (DOB /1985).

Property, article(s) or location or content information to be searched for:

A. Scheduled drugs, including but not limited to heroin, cocaine, and/or crack cocaine, which is contraband and evidence of the offense of possession, furnishing, and/or trafficking and which is seizable pursuant to Maine Rule of Criminal procedure 41 or Civil Procedure 80I.

B. Business records such as journals, ledgers, checks, receipts, telephone and/or address lists, and other books, papers, documents, and records, all as relate to the trafficking and furnishing of drugs, all of which are evidence of the offenses of possession, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.

C. Drug paraphernalia (including that as defined in 17-A M.R.S.A. (1111-A), including items used or intended to be used to facilitate the ingestion, possession, trafficking or furnishing of scheduled drugs, including, but not limited to: bongs; measuring devices, such as scales and balances; packaging materials and containers, such as glassine bags, boxes, tape; testing or sampling materials; all of which are evidence of the criminal offenses of possession, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.

D. Evidence demonstrating identity, possession, dominion, custody or control by any and all individuals on/in the premises to be searched only if such premises, in fact, found to contain any other item(s) identified in paragraphs A, B, or C, including but not limited to titles, deeds, photographs, bills and address books, all of which are evidence of the offenses of possession, possession with intent to furnish/traffic, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.

E. Sums of money obtained from the sale of scheduled drugs. Sums of money possessed or intended for the purchase and/or exchange of scheduled drugs. Sums of money possessed, used or intended for the purpose of facilitating the sale or exchange of scheduled drugs including any currency described by serial number herein. Sums of money which are found in proximity to or identifiable from/with any items identified in paragraphs II (A), (B),(C),(D),(E) or (F); all of which are evidence of the offenses of cultivation, possession, furnishing, and/or trafficking scheduled drugs and which are seizable pursuant to Maine Rule of Criminal Procedure 41 and/or Maine Rule of Civil Procedure 80I.

F. Firearms, ammunition, explosive devices or other devices which by design or use are capable of producing serious bodily injury, and which by their concealment, placement or condition are used, intended for use, or capable of use to defend, protect, guard or secure the premises to be searched, its contents, and/or any occupant ONLY IF SUCH PREMISES IS IN FACT FOUND TO CONTAIN any item(s) described in paragraph (A). Firearms, ammunition, explosive devices or other devices which by design or use are capable of producing serious bodily injury, and which are found in proximity to any item(s) identified in paragraphs (A), which are evidence of the offenses of cultivation, furnishing, and/or trafficking scheduled drugs and which are seizable pursuant to Maine Rule of Criminal Procedure 41 and/or Maine Rule of Civil Procedure 80I.

G. Cellular phones including records of incoming and outgoing calls or text messages, contact lists, photos, voicemail messages, all as they relate to the offenses of possession, possession with intent to furnish/traffic, furnishing and/or trafficking in heroin and crack cocaine.

Name of owner or occupant of premises, if known:

1. Keith Wedge (DOB [REDACTED]/1985)

SERVICE ON DOMESTIC OR FOREIGN ENTITIES. This warrant authorizes service of criminal process on domestic and/or foreign providers of electronic communication service or providers of remote computing services in accordance with 15 M.R.S. § 56 (2017).

DAYTIME WARRANT ONLY. This warrant shall be executed between the hours of 7:00a.m. and 9:00 p.m. and shall be returned, together with a written inventory, within 14 days of the issuance hereof, to the _____ located at _____ Unified Criminal Court of Maine.

EITHER NIGHTTIME OR DAYTIME WARRANT. For reasonable cause shown in the affidavit(s)/evidence, this warrant may be executed in the daytime or in the nighttime (9:00 p.m. to 7:00 a.m.) and shall be returned, together with a written inventory, within 14 days of the issuance hereof, to the _____ HANCOCK COUNTY UNIFIED COURT located at ELLSWORTH, ME Unified Criminal Court of Maine.

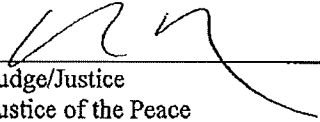
UNANNOUNCED EXECUTION OF SEARCH WARRANT. For reasonable cause shown, this warrant may be executed by an officer without providing notice of the officer's purpose and office.

NOTIFICATION REQUIRED IN ACQUISITION OF LOCATION OR CONTENT INFORMATION FROM AN ELECTRONIC DEVICE. Notice shall be provided to the owner or user that content and/or location information was obtained from that owner's or user's electronic device within 3 days of obtaining content and/or location information. The notice must be made by service or delivered by registered or first class mail, email or

NOTIFICATION NOT REQUIRED IN ACQUISITION OF LOCATION OR CONTENT INFORMATION FROM AN ELECTRONIC DEVICE. For reasonable belief shown that notification will have an adverse result, I order the notification required under 16 M.R.S. §643 waived. I order the provider of electronic communication service or location information service to which the warrant is directed not to notify any other person, including but not limited to, customers, owners, or users of the account(s), of the existence of the warrant.

PRECLUSION OF NOTICE TO OWNER OR USER SUBJECT TO WARRANT FOR CONTENT OR LOCATION INFORMATION. For reasonable belief shown that notification will have an adverse result, I order the provider of electronic communication service or location information service to which the warrant is directed not to notify any person, including but not limited to, customers, owners, or users of the account(s), of the existence of the warrant.

Issued at Fellsworth in the County Hancock
of _____
on 2/22/21



Judge/Justice
Justice of the Peace

STATE OF MAINE

UNIFIED CRIMINAL DOCKET
 SUPERIOR COURT
 DISTRICT COURT

County: Hancock
Location: Ellsworth
Docker No: _____

AFFIDAVIT AND REQUEST FOR SEARCH WARRANT
(M.R.U. Crim. P.41)

To: Any Judge of the District Court or Justice of the Peace:

I, S/A Timothy Frost, a law enforcement officer for the Maine Drug Enforcement Agency, State of Maine, apply for a search warrant to search the person(s), vehicle(s), place(s) or other property described below and to seize the property or person(s) also described below.

Description of place(s), vehicle(s) electronic devices or person(s) to be searched:

Building Vehicle Person(s) located at search location Other

1. A white 2013 Dodge Challenger, Maine VIN# 2C3CDYAG0DH511886, Maine registration Lobster Specialty plate number 773BEE, registered to Keith Wedge (DOB [REDACTED]/1985).

Property, article(s) or location or content information to be searched for:

1. A. Scheduled drugs, including but not limited to heroin, cocaine, and/or crack cocaine, which is contraband and evidence of the offense of possession, furnishing, and/or trafficking and which is seizable pursuant to Maine Rule of Criminal procedure 41 or Civil Procedure 80I.
2. B. Business records such as journals, ledgers, checks, receipts, telephone and/or address lists, and other books, papers, documents, and records, all as relate to the trafficking and furnishing of drugs, all of which are evidence of the offenses of possession, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.
3. C. Drug paraphernalia (including that as defined in 17-A M.R.S.A. (1111-A), including items used or intended to be used to facilitate the ingestion, possession, trafficking or furnishing of scheduled drugs, including, but not limited to: bongs; measuring devices, such as scales and balances; packaging materials and containers, such as glassine bags, boxes, tape; testing or sampling materials; all of which are evidence of the criminal offenses of possession, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.
4. D. Evidence demonstrating identity, possession, dominion, custody or control by any and all individuals on/in the premises to be searched only if such premises, in fact, found to contain any other item(s) identified in paragraphs A, B, or C, including but not limited to titles, deeds, photographs, bills and address books, all of which are evidence of the offenses of possession, possession with intent to furnish/traffic, furnishing, and/or trafficking and which are seizable pursuant to Maine Rules of Criminal Procedure 41 or Maine Rule of Civil Procedure 80I.
5. E. Sums of money obtained from the sale of scheduled drugs. Sums of money possessed or intended for the purchase and/or exchange of scheduled drugs. Sums of money possessed, used or intended for the purpose of facilitating the sale or exchange of scheduled drugs including any currency described by serial

number herein. Sums of money which are found in proximity to or identifiable from/with any items identified in paragraphs II (A), (B), (C), (D), (E) or (F); all of which are evidence of the offenses of cultivation, possession, furnishing, and/or trafficking scheduled drugs and which are seizable pursuant to Maine Rule of Criminal Procedure 41 and/or Maine Rule of Civil Procedure 80I.

6. F. Firearms, ammunition, explosive devices or other devices which by design or use are capable of producing serious bodily injury, and which by their concealment, placement or condition are used, intended for use, or capable of use to defend, protect, guard or secure the premises to be searched, its contents, and/or any occupant ONLY IF SUCH PREMISES IS IN FACT FOUND TO CONTAIN any item(s) described in paragraph (A). Firearms, ammunition, explosive devices or other devices which by design or use are capable of producing serious bodily injury, and which are found in proximity to any item(s) identified in paragraphs (A), which are evidence of the offenses of cultivation, furnishing, and/or trafficking scheduled drugs and which are seizable pursuant to Maine Rule of Criminal Procedure 41 and/or Maine Rule of Civil Procedure 80I.
7. G. Cellular phones including records of incoming and outgoing calls or text messages, contact lists, photos, voicemail messages, all as they relate to the offenses of possession, possession with intent to furnish/traffic, furnishing and/or trafficking in heroin or other illicit drugs.

Name of owner or occupant of premises, if known:

1. Keith Wedge (DOB [REDACTED] 1985)

Reason for Seizure:

- Property that constitutes evidence of the commission of the criminal offense.
- Contraband under 17-A M.R.S.A. § 1111-A, to wit, drug paraphernalia.
- The fruits of crime, or things otherwise criminally possessed, to wit, currency, (17-A M.R.S.A. § 1103).
- Property designed or intended for use or which is or has been used as the means of committing a criminal offense.
- Person for whose arrest there is probable cause or who is unlawfully restrained.

AFFIDAVIT IN SUPPORT OF APPLICATION

The facts and circumstances which lead me to believe this are as follows.

I, S/A Timothy Frost, being duly sworn, depose and say:

I have been an investigative law enforcement officer for 15 years and am empowered by law to conduct investigations of and to make arrests for the offenses in violation of the Maine Criminal Statutes.

I am a law enforcement officer with the Maine Drug Enforcement Agency for the past five years. During the course of my employment, I have received training in drug identification and investigation of drug related offenses. I have had training and experience in working with

confidential informants. I am currently investigating a conspiracy among several individuals to distribute illegal scheduled drugs in Hancock County. In connection with my official duties, I investigate criminal and civil violations of the Maine Criminal Statutes. I have received special training in the enforcement of laws concerning controlled substances as found in Title 17-A, M.R.S.A., section 1102. In connection with my duties and responsibilities as a law enforcement officer, I have testified in judicial proceedings and prosecutions for violations of laws concerning controlled substances.

STATEMENT OF PROBABLE CAUSE:

The facts and circumstances which lead me to believe this are as follows:

1. As part of an ongoing drug trafficking investigation involving Keith Wedge (DOB [REDACTED] 1985), Your affiant reviewed intelligence reports accumulated by the Maine Drug Enforcement Agency.
2. On 9/24/2020, you affiant debriefed an individual who expressed interest in becoming a registered informant for MDEA. No promises of leniency were expressed or implied by your affiant. The individual provided the following information about Keith. Described him as the "heroin guy" and stated he resides on the Bernard Road in Tremont with his mother.
3. Keith purchases "fingers" (approximately 10 grams) of heroin, that he gets in Bangor. The individual is unaware of who Keith's source is but knows he will ask friends for rides when he's out. The individual stated Keith resides with his mother, Deb, who knows exactly what he is doing and doesn't care.
4. Your affiant was familiar with who the individual was explaining after your affiant had received other drug intel from other sources, identifying this individual as Keith Wedge from Tremont. The individual stated they owe Keith \$50.00 from their last purchase of heroin, stating he charges \$200.00 per gram. The most amount the individual has purchased from Keith was 7 (seven) grams which was worth \$800.00.
5. On 10/16/2020, Special Agent Brian Smith met with an individual who was willing to provide information about a recent overdose that had occurred to them and where they had obtained the illegal drugs that caused the overdose. This individual explained to S/A Smith they had bumped into a friend named, Keith Wedge (DOB [REDACTED]/85), in the parking lot of Walmart in Ellsworth. The individual stated Wedge had borrowed \$50.00 (fifty dollars) several months back and he wanted to pay the individual back. The individual stated Wedge

did not have cash but had heroin and gave the individual a small amount inside tin foil fold. The individual used the heroin later in the evening, which resulted to overdosing.

6. On 11/12/2020 your affiant received an e-mail from the Supervisor of the MDEA North Central Task Force Office who provided the following information about drug activity in Tremont, ME: "Bangor (PD) stopped a guy last night that has been running for Nickolas Raines (a known drug distributor) in Bangor. The individual stated last week Raines had the individual go to [REDACTED] house has lobster stuff out front and there was a challenger with lobster tags in the driveway. The individual took 4k down to the drugs. The guy the individual dealt with has red curly hair and a beard."

7. After reviewing the e-mail your affiant was familiar with the address and description of the individual from past intels as Keith Wedge and the residence he resides at, [REDACTED].

8. On 11/13/2020, your affiant conducted surveillance at Keith's residence. During the surveillance the Dodge Challenger sedan, Maine lobster registration plate 773BEE registered to Keith Wedge, was in the driveway of [REDACTED] and was later seen coming and going to the residence throughout the afternoon.

9. On 11/20/2020, your affiant conducted surveillance at Keith's residence, along with Special Agent David Lord. While conducting surveillance the white Dodge Challenger was seen leaving the residence and meeting with an unknown male individual at Hansen's Outpost, 42 Tremont Road, Bass Harbor, ME. While there the unknown male individual spoke to the operator of the vehicle and minutes later the Dodge Challenger left and returned to Keith's residence.

10. On 11/23/2020, your affiant conducted surveillance again on Keith's Dodge Challenger which was observed traveling north on Route 102 in Bar Harbor. Your affiant followed the vehicle as it traveled through Ellsworth and towards Route 1A, heading towards Bangor. Your affiant and other agents were able to track the Dodge Challenger to the Dollar Tree parking lot on Union Street in Bangor, ME. An unknown male individual who exited the passenger seat of the Dodge Challenger went into the store but minutes later came back out to the vehicle. After a while, agents observed two individuals, a male and female, arrive to the parking lot on foot (from Third Street in Bangor) and get into the Dodge Challenger sedan. Once in the vehicle, agents were able to follow the Dodge

Challenger to the residence of [REDACTED]. This residence is currently being investigated by the Federal DEA (Drug Enforcement Administration) and ATF (Alcohol, Tobacco, and Firearms) agencies based on drug and gun trafficking investigations. Two individuals, a male and female, exited the Dodge Challenger and went inside this residence. Approximately 10 (ten) minutes later, they returned to the vehicle and agents continued tracking it back through Bangor after it left the residence.

11. The Dodge Challenger was seen arriving to Carroll Street in Bangor, where it dropped off the two individuals at a residence, the same individuals who had arrived on foot at the Dollar Tree earlier. Your affiant and other agents continued surveillance on the Dodge Challenger as it continued towards Route 1A, heading south towards Tremont.

12. On 11/24/2020, your affiant received an e-mail from Special Agent Paul Gauvin who monitors the license plate reader (LPR) system in the Brewer area. The Dodge Challenger registration plate number was entered into the LPR system where a review was created. Within this month, the LPR has indicated 6 (six) alerts on the Dodge Challenger entering/exiting the Brewer area. Also, on this day, your affiant obtained an approved electronic tracking warrant to be installed on Keith's vehicle to monitor and gather more intel on his involvement with drug distribution.

13. On 12/02/2020, your affiant was able to affix the MDEA issued tracking device to Keith's vehicle. Since installing the tracking device your affiant has been able to observe and monitor Keith's vehicle traveling to Bangor at least one to three times per week. Some of the locations where Keith's vehicle had stopped or gone to were identified by MDEA North Central Task Force agents as known drug distributing locations in the Bangor and Brewer areas. While monitoring some of the playback features of the tracking software (the ability to review certain day and time frame of events) your affiant was able to observe the vehicle stopping at locations in Trenton, Tremont, and Southwest Harbor that are locations/residences that have been reported to local Law Enforcement agencies as locations where drug abusers reside or meet.

14. On Thursday, 1/07/2021, your affiant debriefed an individual who expressed interest in becoming a registered informant for MDEA. No promises of leniency were expressed or implied by your affiant. The individual provided the following information about Keith. The individual stated they've known Keith for years and in the past couple years knows

he's been selling heroin (with fentanyl), fentanyl, crack cocaine, and cocaine. The individual stated they know Keith travels to Bangor to get more when he's out or needs more and it's usually every three to four days a week. The individual has seen Keith with a normal size zip-lock baggie almost full of each described drug and that he will bring them back to his house on the Bernard Road and then divides it up to re-sell for half a gram or gram sizes. The individual stated Keith does "front" (provide product before payment) a lot of the drugs but will ask \$150.00 for a half a gram and \$200.00 for a gram (one).

15. The individual stated Keith operates a white Dodge Challenger with racing stripes and claw decals on it. They also stated Keith drive around with the quantity of drugs he needs to sell to individuals in Lamoine, Trenton, Tremont, Southwest Harbor, and Bass Harbor and leaves most of it at his residence.

16. On 1/13/2021, the MDEA Downeast Task Force Office utilized a cooperating individual (CI) to complete a controlled purchase from Keith Wedge. The CI and Keith had pre-arranged to complete the transaction for 1 (one) gram of heroin for \$300.00 at Keith's residence, [REDACTED] Your affiant and other agents met with the CI prior to the purchase and provided MDEA funds to complete the transaction, along with an electronic transmitting device (ETD) to monitor the communications between the CI and Keith.

17. Agents followed the CI to Keith's residence, while there the CI met with Keith and completed the transaction with only him on his front porch. Keith made open statements to the CI about being arrested the prior night for operating under the influence and before being placed in handcuffs by the arresting officer he was able to stash a "finger" in his vehicle (the Dodge Challenger) without the officer noticing. Once the transaction was completed the CI returned to the post buy location and Keith went back into his residence. While at the post buy location the CI turned over to your affiant a piece of folded up tinfoil. Inside the tinfoil your affiant was able to observe a brownish powdery substance. Once your affiant returned to the MDEA office a field test was completed on the brownish powdery substance while utilizing the TruNarc analyzer. The analyzer provided a positive test result for heroin with fentanyl compound or methamphetamine. The substance was also weighed on a MDEA issued scale with a gross weight of 1.3ggw.

18. On 1/21/2021 your affiant was contacted by a cooperating individual (CI) who wanted to provide information about Keith Wedge. The CI advised Keith is now traveling to Massachusetts to purchase illegal drugs to re-distribute in the Hancock County area. The CI advised Keith "is moving up the ladder" in re-distributing and is over going to Bangor and wanted to go bigger.

19. On 1/22/2021, your affiant was able to observe Keith Wedge travel from Tremont, Maine to the Methuen and Haverhill, Massachusetts area from approximately 7:00AM to 7:00PM. Keith was operating the white Dodge Challenger registered to him (ME LB 773BEE). While in Methuen Keith's vehicle had parked in the area of a Home Depot parking lot prior to traveling north towards Maine.

20. On 1/25/2021, your affiant contacted Methuen Police Department and spoke with Detective Nicholas Conway. After your affiant explained the investigation and location (Home Depot parking lot) of where Keith's vehicle was observed in Methuen, Massachusetts, Detective Conway advised the parking lot is a common location of where drug activity/transactions have been conducted from their intel and surveillance.

21. On 1/28/2021, the MDEA Downeast Task Force Office utilized a cooperating individual (CI) to complete a controlled purchase from Keith Wedge. The CI and Keith had pre-arranged to complete the transaction for 1 (one) gram of heroin for \$200.00 at Keith's residence, [REDACTED]. Your affiant and other agents met with the CI prior to the purchase and provided MDEA funds to complete the transaction, along with an electronic transmitting device (ETD) to monitor the communications between the CI and Keith.

22. The CI completed a recorded phone call to Keith prior to meeting. During the phone call Keith instructed the CI specific instructions on where he would leave the one gram of heroin inside a grill on his front porch of his residence. Keith also instructed the CI to leave the money (\$200.00) in the grill. Keith advised the CI that he was home but did not want to complete the transaction face to face due to eating his dinner while it was still hot.

23. Agents followed the CI to Keith's residence, while there the CI followed the instructions Keith had provided. Once the transaction was completed the CI returned to the post buy location. While at the post buy location the CI turned over to your affiant a piece of folded up tinfoil. Inside the tinfoil your affiant was able to observe a brownish

powdery substance. Once your affiant returned to the MDEA office a field test was completed on the brownish powdery substance while utilizing the TruNarc analyzer. The analyzer provided a positive test result for fentanyl compound or methamphetamine. The substance was also weighed on a MDEA issued scale with a gross weight of 1.4ggw.

24. On 1/30/2021, your affiant was notified Keith's vehicle, the Dodge Challenger, was traveling north towards Brewer/Bangor area on Route 1A and then traveling south on Interstate 95. A couple hours later, your affiant received notification Keith's vehicle had crossed over into New Hampshire and then into Massachusetts.

25. Your affiant spoke with Detective Conway with the Methuen Police Department, who was able to conduct surveillance on Keith's vehicle at the same location a week prior, Home Depot parking lot, located off Pleasant Valley Street in Methuen, Massachusetts. While there, Detective Conway observed two male individuals in the vehicle. Detective Conway again stated this area is known for drug activity from pass intels and information. After approximately 45 minutes Wedge's vehicle left the parking lot and returned to the interstate where he traveled north towards Maine. Later on, your affiant was notified Wedge's vehicle had returned home in Tremont.

26. On 2/22/2021, your affiant was notified Keith's vehicle, the Dodge Challenger, was traveling south, traveling through Waterville on Interstate 95. A few hours later, your affiant received notification Keith's vehicle had crossed over into New Hampshire and then into Massachusetts. Your affiant was able to review that Keith's vehicle had gone to the same location in Methuen, Massachusetts as the past trips (Home Depot parking lot off of Pleasant Valley Street in Methuen). Within approximately an hour (approximately 10:30M to 11:30AM) Keith's vehicle had left Methuen and was traveling north towards Maine.

AFFIANT'S EXPERIENCE

I am a graduate of the Maine Criminal Justice Academy and have been a certified law enforcement officer in the State of Maine for 15 years. In 2016, I was appointed to and am currently assigned as a Special Agent to the Maine Drug Enforcement Agency with the sole responsibility of conducting Chapter 45 drug related investigations. During my years of law enforcement experience, I have conducted and participated in numerous drug investigations concerning the distribution of scheduled drugs and controlled substances around the State of

Maine. During the course of those investigations, I have applied for and executed a number of search warrants that have resulted in the successful prosecution for drug crimes.

Based upon my experience, education, training and/or study, and the known facts of this investigation, I know:

- a. That it is not uncommon for many of those who involved in the illegal trafficking furnishing of scheduled drugs to traffic, furnish, or at least possess and store more than one kind or type of scheduled drug.
- b. It to be quite common for those involved in the illegal trafficking/furnishing of scheduled drugs to possess, maintain and keep with them, near them, in vehicles, and/or at the site(s) of drug operations or their residences business records and journals relating to the trafficking and/or furnishing of scheduled drugs such as are described above.
- c. It to be common for those involved in the illegal trafficking/furnishing of scheduled drugs to possess, maintain and keep with them, near them, in vehicles, and/or at the site(s) of drug operations or their residences drug paraphernalia as described above. Most of this drug paraphernalia is necessary in order to measure, process, package, test, sample, manufacture, maintain, or prepare scheduled drugs for sale, exchange, distribution or use. Much of this drug paraphernalia that is designed solely for ingestion/consumption of drugs is commonly kept by many drug traffickers and furnishes because it is not uncommon for them to demand that a potential purchaser "use" or "do" some of the drugs being distributed in the belief that this reduces the possibility that the purchaser/receiver is a law enforcement officer. Similarly, ingestion/consumption related drug paraphernalia is frequently kept because it is common for those who traffic or furnish scheduled drugs to test their drugs upon receipt or to offer a sample of their drugs before sale, or to demand or take back a portion of any drug(s) distributed as a form of commission on the sale.
- d. It is common for those involved in the illegal trafficking/furnishing of scheduled drugs to change their operating procedures in a manner that is sporadic and unpredictable, in order to try to remain hidden from law enforcement. These changes are also commonly due to the supplier needing to resupply the illicit drugs. There is a trickledown effect when the supplier has product and the purchaser will still purchase the illicit drugs upon their availability. I know is also common for traffickers of illicit drugs to withhold sales of those illicit drugs due to a debt until those debts are paid.

WHEREFORE, I, S/A Timothy Frost, pray that a warrant may issue authorizing a search of the above described property and/or evidence and, that if said property and/or evidence or any part of the same be there found, that it be seized.

I further request that the warrant authorize the subsequent examination of the contents of any item seized inside the premise described in Section I of this affidavit and that it further authorize the assistance of civilian employees of such law enforcement agencies in any examination.

SERVICE ON DOMESTIC OR FOREIGN ENTITIES. This warrant authorizes service of criminal process on domestic and/or foreign providers of electronic communication service or providers of remote computing services in accordance with 15 M.R.S. § 56 (2017).

DAYTIME WARRANT ONLY. This warrant shall be executed between the hours of 7:00a.m. and 9:00 p.m. and shall be returned, together with a written inventory, within 14 days of the issuance hereof, to the _____ located at _____
Unified Criminal Court of Maine.

EITHER NIGHTTIME OR DAYTIME WARRANT. For reasonable cause shown in the affidavit(s)/evidence, this warrant may be executed in the daytime or in the nighttime (9:00 p.m. to 7:00 a.m.) and shall be returned, together with a written inventory, within 14 days of the issuance hereof, to the _____
HANCOCK COUNTY UNIFIED COURT located at ELLSWORTH, ME
Unified Criminal Court of Maine.

UNANNOUNCED EXECUTION OF SEARCH WARRANT. For reasonable cause shown, this warrant may be executed by an officer without providing notice of the officer's purpose and office.

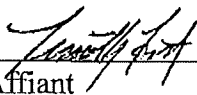
NOTIFICATION REQUIRED IN ACQUISITION OF LOCATION OR CONTENT INFORMATION FROM AN ELECTRONIC DEVICE. Notice shall be provided to the owner or user that content and/or location information was obtained from that owner's or user's electronic device within 3 days of obtaining content and/or location information. The notice must be made by service or delivered by registered or first class mail, email or

NOTIFICATION NOT REQUIRED IN ACQUISITION OF LOCATION OR CONTENT INFORMATION FROM AN ELECTRONIC DEVICE. For reasonable belief shown that notification will have an adverse result, I order the notification required under 16 M.R.S. §643 waived. I order the provider of electronic communication service or location information service to which the warrant is directed not to notify any other person, including but not limited to, customers, owners, or users of the account(s), of the existence of the warrant.

PRECLUSION OF NOTICE TO OWNER OR USER SUBJECT TO WARRANT FOR CONTENT OR LOCATION INFORMATION. For reasonable belief shown that notification will have an adverse result, I order the provider of electronic communication service or location information service to which the warrant is directed not to notify any person, including but not limited to, customers, owners, or users of the account(s), of the existence of the warrant.

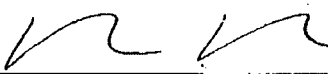
I hereby swear UNDER OATH AND AFFIRMATION with pains and penalties of perjury that the facts set forth in this affidavit are true and accurate to the best of my knowledge and belief and that I have probable cause to search the premise described above.

Dated: 2/22/21


Affiant
Maine Drug Enforcement Agency

Appeared before me under oath on this date the above-named S/A Timothy Frost and signed and swore to the truth of the facts contained in the foregoing instrument.

Dated: 2/22/21

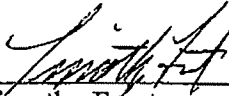

Judge/Justice
Justice of the Peace

INVENTORY OF SEIZURE FROM SEARCH WARRANT

On 02/22/2021, the within search warrant, to which this inventory is attached is Exhibit A and made a part of this search warrant, was executed.

The seizure was done by S/A Timothy Frost. This inventory is a true and detailed account of all items seized under the within search warrant to which this inventory is attached.

Dated: 3/1/2021

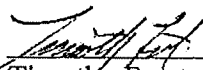


Timothy Frost
Maine Drug Enforcement Agency

VERIFICATION

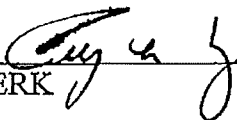
STATE OF MAINE
HANCOCK, ss.

I, S/A Timothy Frost, being first duly sworn, on oath, depose and say that I have read the above inventory and the matters contained therein are true.



Timothy Frost
Maine Drug Enforcement Agency

Subscribed and sworn to before me
This 1st day of March 2021:



CLERK

MAR 1 2021 11:02
HANCOCK COUNTY COURT

CERTIFICATE OF SERVICE

I hereby certify a copy of the above Appendix was sent on April 15, 2024 to:

AAG Jason Horn
97 Hammond Street
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