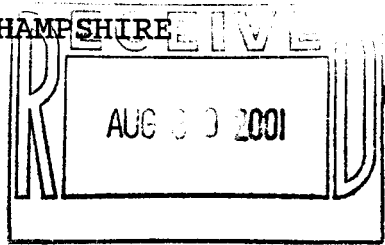


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STATE OF NEW HAMPSHIRE

STRAFFORD, ss.



DISTRICT COURT MARCH TERM 2000

* * * * *

STATE OF NEW HAMPSHIRE,

Plaintiff,

v.

CHAD EVANS,

Defendant.

* * * * *

SIB 99-
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Docket Nos. 00-CR-1207
and 00-CR-1208

TRANSCRIPT
OF
HEARING

BEFORE

The Honorable Robert A. Carignan
Presiding Judicial Official
Rochester District Court
Rochester, New Hampshire

March 24, 2000

APPEARANCES:

For the State : John Driscoll, Esq.

For the Defendant : Stephen E. Gaige, Esq.

Typewrights

1 HEARING COMMENCED (MARCH 24, 2000)

2 CLERK: Chad Evans.

3 STEPHEN E. GAIGE, ESQ.: Good afternoon, your
4 Honor.

5 THE COURT: Hi, Counsel.

6 MR. GAIGE: We have a negotiated plea, your
7 Honor.

8 THE COURT: All right.

9 CLERK: Thank you. There.

10 THE COURT: All right.

11 CLERK: Attorney Driscoll. They are two simple
12 assaults.

13 THE COURT: Simple assaults?

14 CLERK: Which one goes to which? Are they the
15 same or--

16 MR. GAIGE: Supposedly. There's a little matter
17 of--there's two existing.

18 THE COURT: Well, what's going to happen? Are
19 you pleading--you're pleading to two simple assaults?

20 MR. GAIGE: That's correct, your Honor.

21 THE COURT: Oh, all right.

22 CLERK: So it doesn't matter which one goes to
23 which.

24 THE COURT: It doesn't matter. Okay. I notice
25 there's no--oh, all right. Okay. I see everything I need.

1 All right. Guilty, guilty.

2 MR. GAIGE: Your Honor, the form I put together
3 talks about a fine. There's only going to be one fine.
4 Otherwise, the sentence has been concurrent.

5 JOHN DRISCOLL, ESQ.: Yes. And I may have--now
6 that I think about it, your Honor, the way I read it, it
7 looks like \$2,000, seventeen-fifty, and that's not right.
8 It's one thousand seven-fifty suspended for the whole--for
9 both simple assaults. So I guess for one of them there
10 should be no fine.

11 THE COURT: I'll take care of it.

12 CLERK: You wrote one thousand, suspended on the
13 other one. We did [phonetic].

14 (PAUSE)

15 MR. GAIGE: Your Honor, just so there's no
16 problem in the future, we have agreed, as the statute
17 allows, that he can petition to have these annulled in
18 three years?

19 THE COURT: Yeah.

20 MR. GAIGE: If you could write that on the back
21 of the form, just so--

22 THE COURT: Isn't it statutory?

23 CLERK: Yep.

24 MR. GAIGE: It is, your Honor, but I've run into
25 some trouble that you don't always know what intent of the

1 parties are.

2 THE COURT: I'll be glad to do it.

3 MR. GAIGE: Thank you. I would appreciate that.

4 THE COURT: May petition for annulment--

5 CLERK: I think the statute is for final
6 disposition. So like if he didn't go to probation or
7 something like that, I think that's how those things get
8 messed up.

9 THE COURT: I haven't read it for quite a while.

10 MR. GAIGE: They keep changing, your Honor, and
11 that's why it's better to have it on the complaint so that
12 there's no question about our intent was. And I appreciate
13 your cooperation.

14 THE COURT: All right. A hundred, seven fifty-
15 fifty, three-sixty. Probation one year. Good behavior one
16 year. And petition for annulment in three years. On the
17 second complaint, change plea to guilty. Finding of
18 guilty. In the halls of Brighton [phonetic] for 360 days,
19 concurrent, 99-1208, and good behavior, one year.

20 MR. DRISCOLL: Your Honor, we have a no-contact
21 order.

22 THE COURT: Oh, yeah. Right, right.

23 MR. DRISCOLL: With Kristin Evans. And that--

24 THE COURT: It's on there. I didn't do it, but I
25 will do it.

1 MR. GAIGE: There's really no effect for it now,
2 your Honor. And that's fine, you put it on there.

3 THE COURT: Well, I'll make another one. Be
4 twice as serious.

5 MR. DRISCOLL: Right. And if it could read, "No
6 contact except as provided for in Rochester District Court,
7 domestic violence order which is in effect."

8 (CLERK AND COUNSEL CONFER)

9 THE COURT: "No contact other than provided for
10 in a domestic violence order in the Rochester District
11 Court." Okay?

12 MR. DRISCOLL: Thank you, your Honor.

13 MR. GAIGE: Thank you, your Honor. May we be
14 excused?

15 THE COURT: Yes.

16 MR. GAIGE: Have a good day.

17 THE COURT: Thanks.

18
19 HEARING RECESSED (MARCH 24, 2000)
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CERTIFICATE

STATE OF MAINE)
)
COUNTY OF CUMBERLAND) SS.

I, PEGGY MARQUISS, Federally-approved Sound Recording Transcriptionist, do swear that the foregoing is a true and accurate transcript of the proceedings electronically recorded by and supplied by the ROCHESTER DISTRICT COURT in the matter of State of New Hampshire v. Chad Evans, Case Nos. 99-CR-1207 and 99-CR-1208, heard March 24, 2000, and recorded on unnumbered tape, Index No. 4886 through 5320, in that Court on that date.

DATE: August 23, 2001

Peggy Marquiss

Peggy Marquiss
Typewrights

A TRUE COPY dated this 24th
day of Sept, 2001
at South Portland, Maine.

[Signature]

Notary Public

Patricia A. Burrows
Notary Public, Maine
My Commission Expires July 23, 2007

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