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STATE OF MAINE

PENOBSCOT COUNTY, ss.  
CRIMINAL ACTION

UNIFIED CRIMINAL DOCKET COURT  
REGION NO. 5

DOCKET NO. PENCDCR-2017-00552

STATE OF MAINE,  
Plaintiff,  
VS.  
RICHARD ALAN BAILEY,  
Defendant.

**SENTENCING HEARING**

SEPTEMBER 12, 2018  
BANGOR, MAINE  
VOLUME II OF II

BEFORE:

THE HONORABLE WILLIAM R. ANDERSON  
JUSTICE OF THE UNIFIED CRIMINAL DOCKET COURT

APPEARANCES:

ON BEHALF OF THE STATE:  
ALICE CLIFFORD, ESQ.

ON BEHALF OF THE DEFENDANT:  
STEPHEN SMITH, ESQ.

TRANSCRIBED BY:

eScribers, LLC  
7227 North 16th Street, Suite #207  
Phoenix, AZ 85020



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1 (This matter came for hearing before The Honorable  
2 Justice William R. Anderson of the Penobscot County Unified  
3 Criminal Docket Court, Bangor, Maine, on September 12, 2018 at  
4 8:45 a.m.)

5 THE COURT OFFICER: All rise.

6 THE COURT: All right. Please be seated.

7 (Clerk to Court)

8 THE COURT: So I want to make sure that I have touched  
9 all the bases that I need to in this type of proceeding. So  
10 some of this might be a little repetitive.

11 Mr. Bailey, I need to talk with you further. All right.  
12 There's a few things I need to get into that I didn't  
13 yesterday.

14 Now, you've gone over the indictment with Mr. Smith,  
15 correct?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: All --

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: -- 40 counts?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And I think I asked you yesterday whether you  
22 understood the wording of the -- each of the charges and any  
23 legal terminology type of thing?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And you have?



1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And you understand it all?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Okay. Now, I believe I also explained to you  
5 that you don't have to plead guilty or no contest to any  
6 charges, because you have the right to have a speedy and  
7 public trial, the right to be presumed innocent, unless proven  
8 guilty, beyond a reasonable doubt by the State at a trial.  
9 You have the right to have your lawyer cross-examine  
10 witnesses. And you have -- you have the right to present your  
11 own witnesses, evidence, and testimony at a trial.

12 You understand all of that, correct?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. And I think we went over the basics  
15 that if there's a trial, the State tries to prove the charges  
16 beyond a reasonable doubt. You can present whatever defense  
17 you have; your lawyer cross-examines. If the jury has -- if  
18 the State has proved beyond a reasonable doubt to all 12  
19 jurors, the elements of the offense, you get guilty. If they  
20 fail to do that, you do not get found guilty, correct?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: If at a trial, they don't prove the charges,  
23 you get found not guilty, right?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: If they do prove the charges beyond a



1 reasonable doubt, you do get found guilty?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay? And I'm sure you understand if you  
4 plead no contest to a charge, you're just going to be found  
5 guilty. And one way of looking at it, it's giving up any  
6 opportunity to be found not guilty as a matter of fact. So do  
7 you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. And I understand your pleading no  
10 contest, so you're not actually admitting that you committed  
11 the offense, so why are you taking this agreement? Why are  
12 you pleading pursuant to this plea offer?

13 THE DEFENDANT: Basically, it's my health, Your Honor.  
14 I -- I don't think I could make it through it.

15 THE COURT: Okay. I would imagine that you have  
16 discussed with Mr. Smith whether you should have a trial, or  
17 whether you should be accepting this plea offer?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. And in discussing whether you should  
20 have a trial, have you gone over the evidence the State has;  
21 witness statements, things like that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And have you assessed with Mr. Smith what  
24 chances you might have if there were a trial? In other words,  
25 have you talked with him about if you had a trial, is it

1 likely I'd be found guilty? Is it likely I'd be found not  
2 guilty? Have you gone over that, generally, with him?

3 THE DEFENDANT: Yes, sir, generally.

4 THE COURT: Okay. And have you talked with him about  
5 whether this is a reasonable plea offer for you to accept?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. Do you need to talk with him any  
8 further about this decision?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Okay. So he's right there, I mean, you -- if  
11 you need to discuss this -- it's a pretty important decision;  
12 if you need to discuss this with him further, you can. I just  
13 want to make sure that if you're going to proceed that you  
14 have thoroughly examined the case with him. So is that true?

15 THE DEFENDANT: No, Your Honor. We're set.

16 THE COURT: You're all set, is that what you said?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay.

19 MR. SMITH: If I could just have a second, Your Honor?

20 THE COURT: Yup.

21 MR. SMITH: Thank you.

22 (Pause)

23 THE COURT: So do you need to discuss this case or this  
24 decision any further with Mr. Smith?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay. Are you satisfied with the advice that  
2 he's given you?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Okay. And you understand that if you enter  
5 the plea, and if I accept the plea and impose the sentence  
6 then you can't expect to get a trial if you change your mind  
7 later; this is going to be it for this case?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. And is anyone forcing you, compelling  
10 you, threatening you, doing anything like that to get you to  
11 give up your trial on any or all of these 40 different  
12 charges?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. And is it your decision to do  
15 this?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I mean, lawyers can give all the advice in  
18 the world, but ultimately it is the clients decision whether  
19 to plead guilty or no contest or not. So this is your  
20 decision?

21 THE DEFENDANT: Yes, sir.

22 MR. SMITH: Your Honor, I wonder if -- perhaps I  
23 misheard, but the Court might've said 14 when it meant 40?

24 THE COURT: I think I said 40.

25 MR. SMITH: Oh, I thought I heard 14.



1 THE COURT: Yeah. 40 charges; 20 and 20. I'm aware of  
2 it. So is there anything that is affecting your judgment or  
3 your decision-making ability today, adversely?

4 THE DEFENDANT: My health.

5 THE COURT: Okay. Is that interfering with your ability  
6 to properly make decisions? What I mean is, you've already  
7 indicated that your health was a factor in deciding to enter  
8 the plea. What I'm getting at, in this line of questioning,  
9 is whether there's anything that is sort of clouding your  
10 judgment or impairing your judgment today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. Are you taking any medications or  
13 anything that could have an effect on your judgment?

14 THE DEFENDANT: I take so many, but I don't believe so,  
15 no.

16 THE COURT: Okay. You take -- do you take medications  
17 that have a direct effect on your ability to reason?

18 THE DEFENDANT: No. No, cognitive effect. No, sir.

19 THE COURT: Okay. All right. And Mr. Smith, it would be  
20 true that if I asked him, are you pleading no contest, because  
21 you are guilty, he would be saying no, right?

22 MR. SMITH: Correct.

23 THE COURT: Okay. And Mr. Bailey, have you thought of  
24 the ramifications of the sentence on you if I do accept this  
25 plea and impose the sentence? In other words, I would imagine



1 a major reason that you're doing this is to avoid going to  
2 jail, if you should get convicted. But have you considered  
3 the rest of it? And that is extended probation, large  
4 sentence that could be imposed if you violate probation; you'd  
5 be a registered sex offender for the rest of your life. Have  
6 you considered all of that and its impact upon you in deciding  
7 whether to plea or not?

8 THE DEFENDANT: On a daily basis, sir.

9 THE COURT: So you have?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And do you still wish to plead no  
12 contest to the charges?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. Now, in Counts I through XX, they all  
15 allege engaging in a sexual act with Pornchai Moontri, not  
16 your spouse and he had not, in fact, obtained his 14th  
17 birthday. And the charges differ by the on or about date,  
18 January, February, March, April, May, June, July, August,  
19 September, October, November, December; January, February,  
20 March, April, May, June, July and August of 2000 -- excuse me,  
21 of 1986 and 1987. So you understand what each of the charges  
22 expresses; is that right?

23 THE DEFENDANT: I understand what, sir?

24 THE COURT: What each charge expresses. In other words,  
25 they're charging you with 20 different instances of having

1 engaging in a sexual act with Pornchai Moontri when he was  
2 under the age of 14.

3 THE DEFENDANT: I understand, sir.

4 THE COURT: Okay. So what is your plea to Count I?

5 THE DEFENDANT: Nolo.

6 THE COURT: And by that, you mean no contest, right?

7 THE DEFENDANT: No contest.

8 THE COURT: It's another way of saying, no contest?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And Count II?

11 THE DEFENDANT: No contest.

12 THE COURT: III?

13 THE DEFENDANT: No contest.

14 THE COURT: IV?

15 THE DEFENDANT: No contest.

16 THE COURT: V?

17 THE DEFENDANT: No contest.

18 THE COURT: VI?

19 THE DEFENDANT: No contest.

20 THE COURT: VII?

21 THE DEFENDANT: No contest.

22 THE COURT: VIII?

23 THE DEFENDANT: No contest.

24 THE COURT: IX?

25 THE DEFENDANT: No contest.



1 THE COURT: X?

2 THE DEFENDANT: No contest.

3 THE COURT: XI?

4 THE DEFENDANT: No contest.

5 THE COURT: XII?

6 THE DEFENDANT: No contest.

7 THE COURT: XIII?

8 THE DEFENDANT: No contest.

9 THE COURT: XIV?

10 THE DEFENDANT: No contest.

11 THE COURT: XV?

12 THE DEFENDANT: No contest.

13 THE COURT: XVI?

14 THE DEFENDANT: No contest.

15 THE COURT: XVII?

16 THE DEFENDANT: No contest.

17 THE COURT: XVIII?

18 THE DEFENDANT: No contest.

19 THE COURT: XIX?

20 THE DEFENDANT: No contest.

21 THE COURT: XX?

22 THE DEFENDANT: No contest.

23 THE COURT: And then in the remaining counts, it's

24 alleged that you engaged in a sexual act with [Pri'-won] or

25 [Pre'-won] P-R-I-W-A-N, Moontri, not your spouse and that you



1 compelled or induced him to engage in a sexual act by any  
2 threat. And then these counts differ by date. Unlike the  
3 last one where there was one on or about date expressed for  
4 each of the months; here we have January 4th, Count XXII is  
5 January 17th. And then we got a February 15th, March 20th,  
6 April 19, May 17, June 25, July 11th, August 15, September 20,  
7 October 15, November 22, December 17, January 16, February 18,  
8 March 21, April 24, 1987, excuse me. May 22nd, June 19th,  
9 July 17th. So there are 20 charges of Class C, gross sexual  
10 assault, or gross sexual misconduct alleged in those 20  
11 counts. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. And your plea to Count XXI, on or  
14 about January 4th, 1986 is what?

15 THE DEFENDANT: No contest.

16 THE COURT: And then Count XXII?

17 THE DEFENDANT: No contest.

18 THE COURT: XXIII?

19 THE DEFENDANT: No contest.

20 THE COURT: XXIV?

21 THE DEFENDANT: No contest.

22 THE COURT: XXV?

23 THE DEFENDANT: No contest.

24 THE COURT: XXVI?

25 THE DEFENDANT: No contest.



1 THE COURT: XXVII?  
2 THE DEFENDANT: No contest.  
3 THE COURT: XXVIII?  
4 THE DEFENDANT: No contest.  
5 THE COURT: XXIX?  
6 THE DEFENDANT: No contest.  
7 THE COURT: XXX?  
8 THE DEFENDANT: No contest.  
9 THE COURT: XXXI?  
10 THE DEFENDANT: No contest.  
11 THE COURT: XXXII?  
12 THE DEFENDANT: No contest.  
13 THE COURT: XXXIII?  
14 THE DEFENDANT: No contest.  
15 THE COURT: XXXIV?  
16 THE DEFENDANT: No contest.  
17 THE COURT: XXXV?  
18 THE DEFENDANT: No contest.  
19 THE COURT: XXXVI?  
20 THE DEFENDANT: No contest.  
21 THE COURT: XXXVII?  
22 THE DEFENDANT: No contest.  
23 THE COURT: XXXVIII?  
24 THE DEFENDANT: No contest.  
25 THE COURT: XXXIX?



1 THE DEFENDANT: No contest.

2 THE COURT: And XL?

3 THE DEFENDANT: No contest, sir.

4 THE COURT: I just want to go over the offer again  
5 on -- one of the Class A charges at 17 all suspended, six  
6 years of probation with the conditions?

7 MS. CLIFFORD: Yes, Your Honor. I think that would be on  
8 Counts I through X.

9 THE COURT: Uh-huh.

10 MS. CLIFFORD: 17 all suspended with six years' probation  
11 and the special conditions for sex offenders.

12 THE COURT: Yeah.

13 MS. CLIFFORD: And then on Counts XI through XX, it would  
14 be 17 years all suspended with a three years' probation,  
15 consecutive.

16 And then on Counts XXI through XXX, it would be five  
17 years all suspended, four years' probation, consecutive. And  
18 those other probation terms have the same conditions. And  
19 then on the last XXXI through XL, will be five years all  
20 suspended with four years' probation, consecutive. So that  
21 he's on probation for 18 years.

22 THE COURT: And the amount of time suspended is --

23 MS. CLIFFORD: 44.

24 THE COURT: -- 44 years?

25 MS. CLIFFORD: That's correct, Your Honor.



1 THE COURT: Okay. And we are certain that in 1986 the  
2 maximum for a Class A crime was 20 years?

3 MS. CLIFFORD: Yes, Your Honor. I do have that -- copy  
4 of that law.

5 THE COURT: And the maximum for Class C is five years?

6 MS. CLIFFORD: That's correct. And if the Court wishes  
7 to see --

8 THE COURT: No. I think I checked it yesterday, yeah.

9 MS. CLIFFORD: Okay.

10 THE COURT: Six years on a Class A of this type for  
11 probation and --

12 MS. CLIFFORD: Four years on a C.

13 THE COURT: Four on a C?

14 MS. CLIFFORD: That's correct.

15 THE COURT: And you concur it, Mr. Smith?

16 MR. SMITH: I do, Your Honor.

17 THE COURT: Okay. All right. So to decide whether to  
18 accept the plea or not, I have to decide whether I want to  
19 impose the sentence, because if I don't then he can withdraw  
20 the plea and we're back to square one. So I'll discuss that.  
21 The first number of the sentence is, obviously, okay. When I  
22 say okay, I believe that it certainly complies with the  
23 statutory and case law requirements. If you look at the  
24 number of offenses, which you can consider when there's  
25 multiple instances of similar criminal conduct against a

1 person.

2       When you look at the type of conduct alleged, we get up  
3 to the most serious aspects of the offense, the most serious  
4 ways that the offense can be committed. So the 17 years  
5 followed by 17 years would be appropriate. When you look at  
6 the -- do the same analysis with regards to the charges  
7 against Priwan, it's five years and five years, which is the  
8 maximum. But again, the conduct is extremely egregious, and  
9 it's one of the most serious ways you could commit the  
10 offense, so I believe that those are generated.

11       I realize I'm sentencing under 1986 law, but if you look  
12 at what's happened to these sentencing requirements since  
13 1986, they've only gone up to express the seriousness that the  
14 legislature has attributed to these crimes. And I think it's  
15 also obvious, and for the exact same reasoning, that the 18  
16 years of probation is required. And of course, if it's going  
17 to be a suspended sentence, then the need for the probation  
18 for a long period of time is only enhanced.

19       So the total number of years of probation being 18 years  
20 is entirely appropriate and I think that the parties and  
21 everyone knows that the real issue here is the totally  
22 suspended sentence. That's obviously the prime issue in  
23 sentencing in this case.

24       I think it's obvious, also, that if he were convicted  
25 after trial, if some or all of these offenses -- it's probable



1 or likely that he would end up going to prison. I can't speak  
2 for other judges, what they would do if there was a conviction  
3 and you can't predict the future, but if one were to make  
4 one's best decision on what would happen if they got  
5 convicted, it would include prison and maybe substantial  
6 periods of time in prison that -- where he might never get  
7 out. You don't know. But I would indicate that a totally  
8 suspended sentence would -- the likelihood of that is pretty  
9 slim after a trial.

10 So then I have to analyze the reasons why it would be  
11 appropriate in this case, and you know, it's -- I think  
12 overall, it's unsatisfactory, but we do have to recognize the  
13 realities of each individual case. So the number one reason  
14 why this has been offered by the State relates to provability  
15 of the charges. And concerning the provability of the  
16 charges, we have the passage of time to consider. These  
17 witnesses, I haven't really done the math, but would be in their  
18 40s now. It might have a bit of a different impact than if  
19 they're, you know, 14 or 15 and testifying. I imagine that's  
20 been considered.

21 The impeachability of the witnesses, especially the  
22 witness who has been convicted of murder, I'm sure has been  
23 considered by the prosecution. The lack of any corroboration,  
24 any physical evidence, any anything, is, I'm sure, being  
25 considered by the prosecution. The lack of any incriminating

1 statements made by Mr. Bailey are also, I'm sure, being  
2 considered by the prosecution.

3 I think that the factors of health and age are, I guess,  
4 shouldn't be ignored, but there are lesser considerations, at  
5 least in my evaluation, than the ones I just mentioned. Also,  
6 there's an indication in the presentation yesterday that one  
7 or both of the witnesses were perhaps, who'd prefer not to  
8 testify -- they weren't here, so I couldn't really probe into  
9 that, but --

10 MS. CLIFFORD: Your Honor, the victim in the second  
11 Counts XXI through XL is here, Your Honor.

12 THE COURT: Oh, he is here?

13 MS. CLIFFORD: I don't believe he wish to address the  
14 Court; I did ask him.

15 THE COURT: Okay. Okay.

16 MS. CLIFFORD: But he is here.

17 THE COURT: All right. Do you think he does not want to  
18 address the Court?

19 MS. CLIFFORD: That's what he indicated to me prior to  
20 getting on the bench. I can just --

21 THE COURT: Want to just check?

22 MS. CLIFFORD: Yes.

23 (Pause)

24 MS. CLIFFORD: Your Honor, he does not wish to address  
25 the Court.

1 THE COURT: Okay. So it would -- from what I've been  
2 represented, there is some hesitance on the part of one or  
3 both of the victims who prefer not to testify. Pornchai  
4 Moontri indicated that he was okay with the recommendation,  
5 but wanted there to be an admission of guilt or some  
6 acceptance of responsibility. And I believe that Priwan  
7 thought that he should be going to jail rather than just  
8 totally suspended sentence.

9 So I think probably some of their wishes are being met  
10 and some of them are not being met according to this plea  
11 agreement. I mean that's another, I guess, negative aspect of  
12 a plea offer; it's a no contest plea as opposed to pleading  
13 guilty.

14 So next, I would guess -- no, I wouldn't guess, I would  
15 consider what are we gaining? What is society or the State of  
16 Maine gaining by accepting the plea?

17 First of all, I would indicate that this is not the first  
18 case in the world where somebody has been given what might be  
19 perceived a lower sentence than if one went to trial, this  
20 happens somewhat frequently. Sometimes there are charge  
21 reductions that make the end result, you know, pale in  
22 comparison to the original charge. So if this were, you know,  
23 being reduced to an assault or something like that, I think  
24 that would be a totally different story than pleading guilty  
25 to the charges as alleged -- or excuse me, pleading no contest

1 to the charges as alleged.

2 So I think that that, in the overall context of plea  
3 agreements in the State of Maine, that is, I guess, a plus  
4 that he's pleading to what he's charged with as opposed to  
5 some reduced version that does not reflect the seriousness of  
6 the offense.

7 Additionally, he will be, hopefully, properly supervised  
8 for 18 years while on probation. And during that period of  
9 time, he will be required to engage in treatment. I can't  
10 predict the future. A lot of times when people are denying  
11 the offense that they're being treated for, that can end in  
12 probation revocations and things like that, depending on the  
13 program that the person is involved in. I don't know what  
14 will happen in this case.

15 But he will be supervised, there'll be requirements of  
16 the probation that hopefully will protect other young people,  
17 and he will be exposed to treatment, which will hopefully,  
18 also diminish the potential harm to young people. And then  
19 also, he'll have the threat of jail, because if he violates  
20 his probation, then he would be exposed to prison terms.

21 So I'm going to decide, or I am deciding that although it  
22 is not the best of all worlds, I will accept -- and I  
23 recognize the realities of the situation that has produced the  
24 offer; I will accept the offer.

25 So on Counts I through X, the sentence of 17 years to the



1 Department of Corrections, all suspend but six years -- I'll  
2 suspend it six years of probation. And those are concurrent  
3 with each other in I through X.

4 In Counts XI through XX, it's 17 years to the Department  
5 of Corrections, all suspended, four years of probation and  
6 those sentences are consecutive to Counts I through X.

7 And then we have Counts XXI through XXX, five years all  
8 suspended, four years of probation. And internally, those are  
9 concurrent, but they're consecutive to the others.

10 And then Counts XXXI through XL, five years all  
11 suspended, four years of probation, concurrent with each other  
12 and consecutive to the other three.

13 MS. CLIFFORD: Your Honor, if I could just put on the  
14 record to make sure that it's absolutely crystal clear the  
15 conditions of his probation.

16 THE COURT: Yup.

17 MS. CLIFFORD: No contact with the named victims, direct  
18 or indirect, or any member of their family. No unsupervised  
19 contact with juveniles under the age of 18, supervisor or to  
20 be approved by his probation officer. Not to be in a place  
21 where children congregate, such as, but not limited to  
22 playgrounds, school fairs, arcades, and parks. Not to engage  
23 in any business, organization or service that provides  
24 services directly to minors under the age of 18.

25 To enter, participate in, and complete to the

1 satisfaction of his probation officer, sex offender treatment  
2 program and psychological evaluation of treatment as needed,  
3 contribute to the cost thereof, based on his financial ability  
4 as determined by his probation officer. Take all prescribed  
5 medications as prescribed.

6 Not to view, listen to, or possess pornographic, sexually  
7 explicit or provocative acts, performances and materials in  
8 any form. And submit to random search of his person,  
9 residence, vehicles, and all other spaces and materials  
10 including electronic equipment, and its storage and display  
11 mediums under his custody or control for evidence of such  
12 materials or activities.

13 Not to use or possess alcoholic beverages or illicit  
14 drugs, and to submit to random search and testing of his  
15 person, including bodily fluids and exhaled breath, residence,  
16 vehicles and all other spaces under his custody or control for  
17 evidence of such prohibited substances or activities.

18 Not to have access to the internet, its successor systems  
19 or any other online communication system without written  
20 permission from his probation officer. Submit to a polygraph  
21 examination to monitor compliance with the conditions of his  
22 treatment program, contributing to the cost thereof, based on  
23 financial ability as determined -- on his financial ability as  
24 determined by his probation officer. Reside in residence  
25 subject to the approval of his probation officer.



1           And I believe, as you had stated earlier, these  
2 convictions will require him to register as a sex offender.

3           THE COURT: And those are all understood, those  
4 conditions?

5           MR. SMITH: Yes, Your Honor.

6           THE COURT: Mr. Bailey, do you understand all the  
7 conditions?

8           THE DEFENDANT: Yes, sir.

9           THE COURT: I will impose the conditions. I am going to  
10 put some of the conditions explicitly on the conditions of  
11 probation form just to make it -- I understand there can be  
12 difficulties with law enforcement having access to the special  
13 conditions when they're on the road and -- but they do have  
14 access to the conditions on the form, conditions of probation.

15           So with that said -- there won't be anything new -- \$20 a  
16 month probation and provision fees is the only thing new. But  
17 some of them will be parroted in the conditions of probation  
18 form.

19           Okay. That's the sentence. Mr. Bailey, I think you can  
20 probably tell it's maybe a close decision as to whether to  
21 accept the sentence or not. It's fairly disconcerting that  
22 you're pleading no contest instead of guilty to the charge.

23           I hope you don't think that you've gotten away with  
24 anything. I think that the -- although you're not going to  
25 jail, you could in the future. And the conditions that are

1 being imposed, I think are going to be quite limiting on your  
2 life as they should be.

3 So that's it. I'll be in recess. That's the sentence.

4 MS. CLIFFORD: Thank you, Your Honor.

5 MR. SMITH: Your Honor, will the Court alert Justice  
6 Stokes that I will be --

7 THE COURT: I'll email him.

8 MR. SMITH: -- in no way close to 10:00.

9 THE COURT: I'll email him.

10 Yup. Thank you.

11 THE COURT OFFICER: All rise.

12 (Hearing concluded at 9:17 a.m.)

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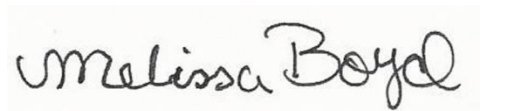


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CERTIFICATION

I HEREBY CERTIFY, that the foregoing, pages 1 through 24,  
is a true transcript of a CD recorded on Wednesday, September  
12, 2018, at the Penobscot County Unified Criminal Docket  
Court located at Bangor, Maine, of the case entitled, STATE OF  
MAINE V. RICHARD ALAN BAILEY, to the best of my professional  
skills and abilities.

October 8, 2018



Melissa Boyd  
Court-Approved Transcriber

