

# Docket No:

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UNITED STATES SUPREME COURT

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United States,  
Plaintiff-Respondent,

v.

Scott Estes,  
Defendant-Petitioner.

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On Petition for Writ of Certiorari  
TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

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## APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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# United States Court of Appeals For the First Circuit

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No. 19-2111

UNITED STATES

Appellee

v.

SCOTT ESTES

Defendant - Appellant

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Before

Howard, Chief Judge,  
Lynch, Thompson, Kayatta, Barron, Circuit Judges,  
and Burroughs,\* District Judge.

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## ORDER OF COURT

Entered: March 16, 2021

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and the petition for rehearing en banc be denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Robert Clayton Andrews  
Michael Conley  
Julia M. Lipez

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\* Of the District of Massachusetts, sitting by designation.

985 F.3d 99

United States Court of Appeals, First Circuit.

UNITED STATES of America, Appellee,

v.

Scott ESTES, Defendant, Appellant.

No. 19-2111

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January 14, 2021

**Synopsis**

**Background:** Defendant was convicted in the United States District Court for the District of Maine, D. Brock Hornby, Senior District Judge, of possessing a stolen firearm and being a felon in possession of a firearm. Defendant appealed.

Caller's statements to **911** dispatcher were nontestimonial in nature, and thus, admission of statements of caller, who did not testify, did not violate Confrontation Clause; caller was speaking about current events in real time when she told dispatcher that defendant possessed a loaded gun in his pocket, a reasonable listener would have concluded that caller faced an ongoing emergency when she called for help, the dispatcher's questions were designed to elicit answers necessary to resolve the emergency, and the **911** call was informal and took place while the caller was near a felon who had recently pointed a loaded gun at her. U.S. Const. Amend. 6.

**Holdings:** The Court of Appeals, Burroughs, J., held that:

[1] caller's statements to **911** dispatcher were nontestimonial in nature, and

[2] nontestimonial statements made by caller to **911** dispatcher were admissible under the excited utterance exception to the hearsay rule.

Affirmed.

West Headnotes (7)

[1] **Criminal Law** Review De Novo

**Criminal Law** Hearsay

The Court of Appeals reviews the question of whether a given statement is **testimonial** de novo, and reviews the question of whether a district court properly applied a hearsay exception for abuse of discretion.

[3] **Criminal Law** Out-of-court statements and hearsay in general

The determination as to whether a statement is **testimonial** under the Confrontation Clause is an objective evaluation of the circumstances in which the encounter occurs and the statements and actions of the parties. U.S. Const. Amend. 6.

[4] **Criminal Law** Out-of-court statements and hearsay in general

Statements made to a **911** operator are nontestimonial under the Confrontation Clause when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency; by contrast, such statements are **testimonial** when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution. U.S. Const. Amend. 6.

[5] **Criminal Law** Out-of-court statements and hearsay in general

A number of factors should guide courts in determining whether statements made to a **911** operator were **testimonial** or nontestimonial

[2] **Criminal Law** Out-of-court statements and hearsay in general

under the Confrontation Clause, including: (1) was the declarant speaking about current events as they were actually happening, requiring police assistance rather than describing past events; (2) would a reasonable listener conclude that the declarant was facing an ongoing emergency that called for help; (3) was the nature of what was asked and answered during the course of a **911** call such that, viewed objectively, the elicited statements were necessary to be able to resolve the present emergency rather than simply to learn what had happened in the past, and (4) what was the level of formality of the interview, for example, was the caller frantic, in an environment that was neither tranquil nor safe. U.S. Const. Amend. 6.

[6] **Criminal Law**  Out-of-court statements and hearsay in general

When a statement is **non-testimonial**, there is no right to confrontation. U.S. Const. Amend. 6.

[7] **Criminal Law**  Length of time elapsed as affecting admissibility

Nontestimonial statements made by caller to **911** dispatcher were admissible under the excited utterance exception to the hearsay rule; at the time caller made the call, defendant had recently pointed a loaded gun at her, an unquestionably startling event, and although some time had passed, the caller was still under the stress of excitement for the duration of the call, given that defendant was still nearby with the gun. Fed. R. Evid. 803(2).

**\*101 APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE, [Hon. D. Brock Hornby, U.S. District Judge]**

**Attorneys and Law Firms**

Robert C. Andrews, by appointment of the Court, for appellant.

Julia M. Lipez, Assistant United States Attorney, with whom Halsey B. Frank, United States Attorney, was on brief, for appellee.

Before Lynch and Barron, Circuit Judges, Burroughs,\* District Judge.

**Opinion**

Burroughs, District Judge.

The defendant, Scott Estes, appeals from the district court's grant of the Government's motion in limine to admit a **recording** of a **911** call placed by Estes' girlfriend. Estes argues that his girlfriend's statements during the call are **testimonial** in nature, triggering his Confrontation Clause rights under the Sixth Amendment, and that the district court should have therefore precluded the Government from introducing the **recording** without calling the declarant as a witness at trial. He also argues that, even assuming the statements contained in the **911 recording** are **non-testimonial**, the district court erred by allowing the **recording** to be admitted because he has an independent right to face-to-face confrontation and because there was no applicable hearsay exception. We hold that the statements in the **911 recording** are **non-testimonial** and that where a statement is **non-testimonial**, the Confrontation Clause is not implicated and the only bar to admission is the rule against hearsay. Because the district court did not abuse its discretion in applying a hearsay exception, we affirm.

**I.**

**A. Facts**

Katherine Hutchins ran a house cleaning service. On the morning of November 13, 2017, she and her boyfriend of a few months, Estes, had just finished cleaning a house together and were leaving the job. Hutchins was driving. During the car ride, Hutchins learned that Estes had stolen a firearm from the house that they had just cleaned. Estes loaded this firearm, showed it to Hutchins, and pointed it at her. Estes had previously told Hutchins that he was a felon and could not have a gun. She also believed that he might be using drugs because he was behaving erratically and had needles in his pocket.

During the car ride, at approximately 11:20 AM, Hutchins called **911**.<sup>1</sup> When she made the **911** call, Estes had

temporarily left the vehicle to help another motorist. Hutchins began the call by stating that Estes “loaded a gun, and he has it in his pocket and he’s a felon.” The **911** dispatcher **\*102** said that he would send officers to her location.<sup>2</sup> She then told him that she would have to pretend to be speaking to someone other than the police because she did not want to “get shot.” She further explained that Estes had “needles in his pocket,” was “not good,” and had loaded the gun and pointed it at her, causing her to be “a little nervous right now.” She added that she was “shaking” and “scared,” and implored the police to take her call “really seriously right now.” The **911** dispatcher assured her that the police were taking her call seriously and again told her that he was sending officers to her location.

At that point, presumably because Estes had re-entered the vehicle, Hutchins began pretending to speak to her credit card company. The **911** dispatcher played along with Hutchins’ ruse, encouraging her to “keep makin[g] … conversation.” After a few minutes, Hutchins told the **911** dispatcher that Estes was running into his friend’s apartment and that, as soon as officers arrived, she would show them where Estes had gone. She reiterated that Estes was “probably going to shoot [her],” adding that she was “nervous” and “scared shitless.” The **911** dispatcher told her that he wanted to ensure that she was safe and asked her to stay on the phone with him until officers arrived at the scene. They discussed which apartment Estes had entered, and she volunteered additional information, including Estes’ name and birthdate. Officers then arrived, and Hutchins ended the call.

Prior to, and during, the **911** call, Hutchins communicated via text and/or Facebook Messenger, with two individuals, Ashley Wing (the client whose house she and Estes had cleaned that morning) and Bethany Maheux.<sup>3</sup> In her text exchange with Wing, which began at 10:59 AM (approximately twenty minutes before the **911** call) and continued until 11:35 AM, Hutchins attempted to determine whether Estes had stolen the gun from Wing’s home. Wing confirmed that the gun was hers. Hutchins asked Wing to call the police and wrote “[p]lease know he loaded it and I am scare [sic] I will be hurt.” In her exchange with Maheux, which began at approximately 11:06 AM, Hutchins tried to determine whether Maheux had purchased a gun for Estes. Maheux denied doing so, and when Hutchins asked her to call the police, Maheux replied that she was “not involved” and encouraged Hutchins to call the police herself.

## B. Procedural History

Estes was indicted for possessing a stolen firearm and being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(j) and 922(g)(1), respectively. Prior to trial, the Government filed a motion in limine seeking to introduce the **911 recording** without calling Hutchins as a witness. Estes opposed the motion. After a hearing, the district court orally granted the Government’s motion. The district court concluded that the statements in the **911 recording** were **non-testimonial** and therefore did not implicate the Sixth Amendment. The district court then analyzed whether there were any applicable hearsay exceptions and found that the **911 recording** was admissible under Federal Rules of Evidence 803(2) (excited utterance) and 803(1) (present sense impression) and that parts of the **recording** were also admissible under Rule 803(3) (then-existing **\*103** mental, emotional, or physical condition).

After the district court’s ruling on the motion in limine, Estes entered a conditional guilty plea pursuant to Federal Rule of Criminal Procedure 11(a)(2), reserving his right to appeal the district court’s order granting the motion. The district court then sentenced Estes to thirty-six months’ imprisonment, and Estes timely appealed.

## II.

On appeal, Estes challenges the district court’s determination that the statements in the **911 recording** were **non-testimonial** and asserts that even if they were **non-testimonial**, the district court still should not have admitted the **recording** because Estes has a right to confront Hutchins, and further, that no hearsay exception applies.

[1] This Court reviews the question of whether a given statement is **testimonial** de novo, *United States v. Brito*, 427 F.3d 53, 59 (1st Cir. 2005) (citing *United States v. Tse*, 375 F.3d 148, 159 (1st Cir. 2004)), and reviews the question of whether a district court properly applied a hearsay exception for abuse of discretion, *Packgen v. Berry Plastics Corp.*, 847 F.3d 80, 90 (1st Cir. 2017) (citing *Shervin v. Partners Healthcare Sys., Inc.*, 804 F.3d 23, 41 (1st Cir. 2015)).

### A. The Statements in the **911 Recording** Are **Non-Testimonial**

[2] [3] “In *Crawford v. Washington*, the Supreme Court held that the Sixth Amendment’s Confrontation Clause bars ‘admission of **testimonial** statements of a witness who did

not appear at trial unless he was unavailable to testify, and the defendant had a prior opportunity for cross-examination.’” United States v. Cadieux, 500 F.3d 37, 40 (1st Cir. 2007) (quoting Crawford v. Washington, 541 U.S. 36, 53–54, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004)), cert. denied, 552 U.S. 1190, 128 S.Ct. 1223, 170 L.Ed.2d 77 (2008). The determination as to whether a statement is **testimonial** is an “objective[ ] evaluat[ion of] the circumstances in which the encounter occurs and the statements and actions of the parties.” Michigan v. Bryant, 562 U.S. 344, 359, 131 S.Ct. 1143, 179 L.Ed.2d 93 (2011).

[4] [5] In Cadieux, this Court assessed whether statements in a **911 recording** were **testimonial** within the meaning of Crawford and set forth an analytical framework based on the Supreme Court’s decision in Davis v. Washington. “[S]tatements made to a **911** operator ‘are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency.’” Cadieux, 500 F.3d at 41 (quoting Davis v. Washington, 547 U.S. 813, 822, 126 S.Ct. 2266, 165 L.Ed.2d 224 (2006)). “By contrast, such statements are **testimonial** ‘when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.’” Id. (quoting Davis, 547 U.S. at 822, 126 S.Ct. 2266). A number of factors “should guide courts in this objective inquiry, including”:

- (1) Was the declarant speaking about current events as they were actually happening, requiring police assistance rather than describing past events?
- (2) Would a reasonable listener conclude that the declarant was facing an ongoing emergency that called for help?
- (3) Was the nature of what was asked and answered during the course of a **911** call such that, viewed objectively, the elicited statements were necessary to be \*104 able to resolve the present emergency rather than simply to learn ... what had happened in the past?
- (4) What was the level of formality of the interview? For example, was the caller frantic, in an environment that was neither tranquil nor safe?

Id. (internal citations and quotation marks omitted).

A straightforward application of the Cadieux factors to the facts here leads to the conclusion that the statements in the **911 recording** are **non-testimonial**.<sup>4</sup>

With respect to the first factor, the declarant, Hutchins, was speaking about current events in real time. She told the **911** dispatcher that Estes possessed a loaded gun in his pocket. She also repeatedly reported on her current location, both in absolute terms and as compared to Estes. Finally, she described her feelings in the present tense (“I’m shaking,” “I’m really nervous,” “I’m scared shitless”), and requested immediate assistance from the police.

With respect to the second factor, a reasonable listener would conclude that Hutchins faced an ongoing emergency that called for help. During the call, she was in a vehicle with (or otherwise in close proximity to) Estes, a felon who was in possession of a loaded gun that she believed he had stolen. Moreover, he had already pointed the gun at her and was otherwise acting in an odd and unstable manner. Importantly, Hutchins communicated each of these facts to the **911** dispatcher during the call.

With respect to the third factor, the dispatcher’s questions were designed to elicit answers necessary to resolve the emergency. He asked her where Hutchins and Estes were, both in absolute and relative terms, to be able to safely dispatch law enforcement to her location. Additionally, the fact that the **911** dispatcher played along with Hutchins’ ruse regarding a phony call with her credit card company shows that he believed there was an ongoing situation that warranted such subterfuge. Finally, the **911** dispatcher’s statements and questions evidence his concern with Hutchins’ wellbeing and suggest that he was attempting to safely resolve the situation. For instance, he asked her “to stay on the phone with [him] until [she’d] made contact with the officer” and told her that he “want[ed] to make sure [she was] safe.”<sup>5</sup> In light of those questions, the background information that the dispatcher elicited is also best understood to be designed to assist him in resolving the emergency.

With respect to the fourth factor, the **911** call was informal and took place while Hutchins was near a felon who had recently pointed a loaded gun at her. Despite remaining relatively calm and not sounding “frantic,” Hutchins was undoubtedly in an environment that was neither tranquil nor safe.

Estes’ arguments as to why the statements in the **911 recording** are **testimonial** are unavailing. First, he argues

that the ongoing emergency had ended by the time the 911 call was made because Hutchins placed the call twenty to thirty minutes after Estes pointed the gun at her, by \*105 which time he had put the gun in his pocket. Hutchins likely waited as long as she did to place the 911 call because she was in a car with Estes, who would have overheard at least her side of any telephone conversation. The **record** indicates that she called 911 as soon as Estes left the vehicle, which allowed her to make the call without being overheard. The emergency had not concluded simply because Estes was no longer brandishing the loaded gun. He still had the gun and could have taken it from his pocket at any time.

Second, Estes argues that Hutchins' investigation into Estes' acquisition of the gun renders the statements in the **911 recording testimonial**. The fact that she communicated with Wing and Maheux prior to placing the 911 call does not negate the fact that Hutchins was with an individual who had recently pointed a loaded gun at her. Additionally, as the Government notes, Hutchins' investigation into how Estes obtained the gun would, quite reasonably, inform her level of concern. Her level of concern for her own safety was understandably raised by learning that he had just stolen a gun from Wing's home while they were cleaning it, knowing that he was a felon who should not have a gun at all, and experiencing his reckless disregard for the law and her safety. Her realization that he might be high on drugs likely heightened her level of concern. Hutchins' texts and messages with Wing and Maheux confirm that she was fearful and believed that an emergency was underway. In fact, she asked both Wing and Maheux to call the police, perhaps because she felt she could not safely do so herself while Estes was in the car.

In sum, under the factors set forth in *Cadieux* and consistent with this Court's precedent, the statements in the **911 recording** here are non-testimonial. See *Cadieux*, 500 F.3d at 41 (finding statements in a **911 recording** non-testimonial where caller was speaking about events in real time and asked for police assistance, and where the dispatcher's questions were tailored to elicit pertinent facts regarding the emergency); *Brito*, 427 F.3d at 62–63 (finding statements in a **911 recording** non-testimonial where caller heard gunshots, then saw a man with a gun who pointed the gun at her and remained in her sight).

#### B. The Confrontation Clause Is Not Implicated by Non-Testimonial Statements and the District Court Did Not Abuse Its Discretion by Admitting the **911 Recording**

[6] Estes argues that regardless of whether the statements in the **911 recording** are **testimonial**, he has a right to confront Hutchins at trial. He is incorrect.<sup>6</sup> It is well-settled that when a statement is non-testimonial, there is no right to confrontation. See *Bryant*, 562 U.S. at 354, 131 S.Ct. 1143 (“We therefore limited the Confrontation Clause's reach to **testimonial** statements ....”); *Davis*, 547 U.S. at 821, 126 S.Ct. 2266 (“Only [testimonial] statements ... cause the declarant to be a ‘witness’ within the meaning of the Confrontation \*106 Clause. It is the **testimonial** character of the statement that separates it from other hearsay that, while subject to traditional limitations upon hearsay evidence, is not subject to the Confrontation Clause.” (citation omitted)); *United States v. Ponzo*, 853 F.3d 558, 578 (1st Cir. 2017) (“The Confrontation Clause ... bars admission of **testimonial** hearsay unless ‘the declarant is unavailable’ and ‘the defendant had a prior opportunity’ for cross-examination ....” (quoting *Crawford*, 541 U.S. at 59, 124 S.Ct. 1354)); *United States v. Castro-Davis*, 612 F.3d 53, 64 n.14 (1st Cir. 2010) (“After *Davis*, however, non-testimonial hearsay no longer implicates the Confrontation Clause at all.”); *United States v. Figueroa-Cartagena*, 612 F.3d 69, 85 (1st Cir. 2010) (“The threshold question in every case is whether the challenged statement is **testimonial**. If it is not, the Confrontation Clause ‘has no application.’ ” (quoting *Whorton v. Bockting*, 549 U.S. 406, 420, 127 S.Ct. 1173, 167 L.Ed.2d 1 (2007))); *United States v. Earle*, 488 F.3d 537, 542 (1st Cir. 2007) (noting that the Confrontation Clause “applies only to **testimonial** hearsay” (citing *Davis*, 547 U.S. at 821, 126 S.Ct. 2266)); *see also United States v. Rodriguez-Berrios*, 573 F.3d 55, 61 n.4 (1st Cir. 2009) (rejecting argument that admission of non-testimonial hearsay violated the Confrontation Clause).

Accordingly, because the statements in the **911 recording** are non-testimonial, the only remaining question is whether the district court abused its discretion in admitting the **recording** pursuant to a hearsay exception.<sup>7</sup> We find that it did not.

[7] The district court found that three hearsay exceptions were applicable,<sup>8</sup> but we need discuss only the first in any detail because one hearsay exception is sufficient to support the **911 recording**'s admission. Under the “Excited Utterance” exception, a “statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused” is admissible. Fed. R. Evid. 803(2). At the time Hutchins placed the call, Estes had recently pointed a loaded gun at her, which is unquestionably a startling event. Although some time had passed, Hutchins

was still “under the stress of excitement” for the duration of the call, *id.*, especially given that Estes was still nearby with the gun. See United States v. Rondeau, 430 F.3d 44, 48 (1st Cir. 2005) (finding that where 911 call was made “as or immediately after [someone] threatened [the caller] with the gun,” the statements were excited utterances); Brito, 427 F.3d at 62–63 (noting that statements by 911 caller who had recently had gun pointed at her were excited utterances). Thus, the district court did not abuse its discretion in admitting the 911 recording under Rule 803(2).<sup>9</sup>

### III.

We affirm the district court’s grant of the Government’s motion in limine.

Affirmed.

### All Citations

985 F.3d 99, 114 Fed. R. Evid. Serv. 891

### Footnotes

- \* Of the District of Massachusetts, sitting by designation.
- 1 The district court granted the Government’s motion in limine based on a version of the 911 recording and transcript that had been redacted to exclude those portions of the conversation that constituted hearsay within hearsay. The redacted version of the transcript, the admission of which is the subject of Estes’ appeal, appears in his Appendix.
- 2 Throughout the call, the 911 dispatcher asked questions designed to ascertain Hutchins’ and Estes’ locations, both in absolute terms and as compared to one another.
- 3 Hutchins’ communications with Wing and Maheux also appear in Estes’ Appendix.
- 4 At oral argument, Estes suggested that the Cadieux factors are inappropriate and inconsistent with Supreme Court guidance. Because we derived the Cadieux factors directly from the Supreme Court’s decision in Davis, see Cadieux, 500 F.3d at 41, we find Estes’ argument to be without merit.
- 5 The 911 dispatcher also asked questions about Estes’ name and birthdate after Hutchins had already volunteered that information.
- 6 The two Supreme Court cases that Estes cites, Maryland v. Craig and Coy v. Iowa, are inapposite. Both pre-date Crawford, the seminal Supreme Court Confrontation Clause case, which established the current **testimonial** versus **non-testimonial** test. In any event, those cases concerned trial testimony and involved clearly **testimonial** statements. Maryland v. Craig, 497 U.S. 836, 860, 110 S.Ct. 3157, 111 L.Ed.2d 666 (1990) (allowing child victim to testify via one-way closed-circuit television did not violate Confrontation Clause); Coy v. Iowa, 487 U.S. 1012, 1020–21, 108 S.Ct. 2798, 101 L.Ed.2d 857 (1988) (finding Confrontation Clause violation where child victim testified from behind a large screen). Craig and Coy do not concern a defendant’s right to confrontation with respect to **non-testimonial** statements, like the ones at issue here.
- 7 Contrary to Estes’ assertion, the fact that Hutchins was available to testify is of no consequence because each of the hearsay exceptions relied upon by the district court applies “regardless of whether the declarant is available as a witness.” Fed. R. Evid. 803.
- 8 The district court found that Federal Rules of Evidence 803(2) (Excited Utterance), 803(1) (Present Sense Impression), and 803(3) (Then-Existing Mental, Emotional, or Physical Condition) were all applicable.
- 9 For the reasons articulated by the district court, we agree that the other two hearsay exceptions it applied are also applicable here.

**United States District Court**  
**District of Maine**

U.S. DISTRICT COURT  
 DISTRICT OF MAINE  
 PORTLAND  
 RECEIVED & FILED

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

SCOTT ESTES

Case Number: 2:18-CR-00068-001  
 USM Number: 13350-036

Robert C. Andrews, Esq.  
 Defendant's Attorney

**THE DEFENDANT:**

pleaded guilty to count(s) 1 & 2 of the Indictment  
 pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.  
 was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

**The defendant is adjudicated guilty of these offenses:**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)	Felon in Possession of Firearm	November 13, 2017	1
18 U.S.C. § 922(j)(1), 18 U.S.C. § 924(a)	Possession of Stolen Firearm	November 13, 2017	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_.  
 Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of material changes in economic circumstances.

October 30, 2019  
 Date of Imposition of Judgment

Signature of Judge

D. Brock Hornby, U.S. District Judge  
 Name and Title of Judge

10/30/19  
 Date Signed

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of 36 months on Counts 1 and 2, to be served concurrently.

- The court makes the following recommendations to the Bureau of Prisons:  
The defendant shall enroll in the 500 Hour Comprehensive Residential Drug and Alcohol Treatment Program.  
Defendant to be assigned to Devens FMC.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
  - at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.
  - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.
  - before 2 p.m. on \_\_\_\_\_.
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of: 3 years on Counts 1 and 2, to be served concurrently.

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two additional drug tests during the term of supervision, but not more than 120 drug tests per year thereafter, as directed by the probation officer.  
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5.  You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7.  You must participate in an approved program for domestic violence. (check if applicable)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments of this judgment.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

**U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001

**SPECIAL CONDITIONS OF SUPERVISION**

1. Defendant shall participate in mental health treatment, as directed by the supervising officer, until released from the program by the supervising officer. Defendant shall pay/co-pay for services during such treatment, to the supervising officer's satisfaction;
2. The Defendant shall inform any prescribing medical practitioner that he/she has a history of substance abuse and shall provide the supervising officer with written proof of such notice;
3. Defendant shall not use or possess any controlled substance, alcohol or other intoxicant; and shall participate in a program of drug and alcohol abuse therapy to the supervising officer's satisfaction. This shall include testing to determine if Defendant has used drugs or intoxicants. Defendant shall pay/co-pay for services during such treatment to the supervising officer's satisfaction. Defendant shall not obstruct or tamper, or try to obstruct or tamper, in any way, with any tests;
4. The defendant shall participate in workforce development programs and services as directed by the supervising officer, and, if not employed, shall perform up to 20 hours of community service per week. Workforce development programming may include assessment and testing; educational instructions; training classes; career guidance; and job search and retention services;
5. Defendant shall not own or possess any firearm or other dangerous weapon, or knowingly be at any time in the company of anyone known by the defendant to possess a firearm or other dangerous weapon; and
6. A United States probation officer may conduct a search of the defendant and of anything the defendant owns, uses, or possesses if the officer reasonably suspects that the defendant has violated a condition of supervised release and reasonably suspects that evidence of the violation will be found in the areas to be searched. Searches must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation of release.

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001

## **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment *</u>	<u>JVTA Assessment **</u>
1	\$ 100	\$ 0	\$ 0		
2	\$ 100	\$ 0	\$ 0		
<b>Totals:</b>	<b>\$ 200</b>	<b>\$ 0</b>	<b>\$ 0</b>		

The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<b>TOTALS</b>	\$ _____	\$ _____	

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

<sup>\*\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SCOTT ESTES  
CASE NUMBER: 2:18-CR-00068-001**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A  Lump sum payment of \$200 due immediately, balance due  
 Any amount that the defendant is unable to pay now is due and payable during the term of incarceration. Upon release from incarceration, any remaining balance shall be paid in monthly installments, to be initially determined in amount by the supervising officer. Said payments are to be made during the period of supervised release, subject always to review by the sentencing judge on request, by either the defendant or the government.  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or

B  Payment to begin immediately (may be combined with  C,  D, or  F below); or

C  Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or

D  Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E  Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.
---	--------------	-----------------------------	---

The defendant shall pay the cost of prosecution.  
 The defendant shall pay the following court cost(s):  
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

1 THE COURT: It got -- it got from Mrs. Wing's place  
2 to some other apartment on the morning in question.

3 MR. ANDREWS: That's right, and what Mrs. Hutchins  
4 isn't saying is that she had been in that apartment that  
5 morning.

6 THE COURT: Okay.

7 MR. ANDREWS: That's -- I mean that's a fact that  
8 will be brought out at trial.

13 (Recess called)

14 THE COURT: I previously read your briefs and the  
15 cases that you cited and we've made clear now what the record  
16 is for purposes of the hearing. And the two Government  
17 exhibits have been admitted and the defense exhibits are  
18 admitted that are attached to the defendant's brief at, I  
19 mentioned before -- which is ECF No. 98.

20 Just to cut to the chase, I am going to allow the 9-1-1  
21 call to come into evidence as it's been redacted most recently  
22 as reflected in Government's 2. I'm assuming therefore that  
23 the audio would be redacted to reflect what the transcript  
24 showed will be taken out that is highlighted, namely  
25 information which is hearsay within hearsay or for which

1 there's a lack of foundation.

2           We talked some about the standards and I've not been  
3           able to find a clear standard. Certainly on evidentiary  
4           rules, it's generally Rule 104 governs. It's not clear to me  
5           whether that governs as well on the confrontation clause  
6           generated by the Crawford line of cases.

7           And we talked about reliability as a standard. There's  
8           obviously the standard of preponderance of the evidence, clear  
9           and convincing evidence. There's also references by the  
10           courts to whether something is an objective standard. I  
11           conclude here under any of those standards that the 9-1-1 call  
12           as redacted is not testimonial and let me explain why.

13           I've looked at the case of United States versus Cadieux,  
14           500 F.3d 37; obviously Davis versus Washington, Supreme Court  
15           2006; Michigan versus Bryant, Supreme Court 2011; and the  
16           foundational case, Crawford against Washington 2004.

17           The 1st Circuit said in Cadieux in 2007, at Page 41, the  
18           court in Davis, I'm quoting, specifically directs courts to  
19           examine the nature of both what was asked and answered. And  
20           when I look at that in this case at the transcript, I find  
21           that the dispatch person was asking questions that were  
22           directed to where the caller was located, who was in  
23           possession of the weapon, but basically that was the focus of  
24           the questions that law enforcement was asking through the  
25           dispatcher.

1           Now, it's true that the caller, Ms. Hutchins,  
2 volunteered a lot of information, but it was not as part of an  
3 interrogation. The police here were not questioning her about  
4 a crime. She says on the 9-1-1 call that she's scared, and  
5 sensibly so given the fact that there was a weapon that she  
6 said was pointed at her by a person who possessed needles and  
7 was otherwise behaving in strange ways.

8           I don't find that to be countered by her tone of voice.  
9 People have different ways that their voice reacts to  
10 situations of stress and here, of course, at the time she was  
11 trying to disguise what it was she that she was doing in  
12 talking to the dispatcher when her boyfriend, the defendant,  
13 was in close proximity. I don't find that her fear and the  
14 context in which she was talking to the dispatcher is  
15 discounted by her earlier texts.

16           I've thought carefully about Mr. Andrews' arguments  
17 about the passage of time from 10:59 when the first text went  
18 to the client's house where the weapon came from until 11:21  
19 when the caller first contacted 9-1-1, so there was about 20  
20 to 22 minutes time lapse there, but I looked at that in a  
21 number of contexts.

22           First of all, there is the issue of whether she could  
23 talk out loud on a 9-1-1 call when the person about whom she  
24 is concerned is present in the vehicle with her, unlike  
25 texting, which can take place without it being overheard or

1 seen.

2 We do know that the call refers -- when she first opened  
3 the call she says, referring to the defendant, he's  
4 distracted. He's doing so -- excuse me -- that he is doing  
5 something for somebody so he's distracted and that is  
6 apparently the time at which she makes the call and then she  
7 goes on to say that she's going to have to disguise it by  
8 talking about a credit card or bank call, which she does later  
9 on.

10 And given the fact of her concern of the defendant's  
11 behavior, 20 minutes is not a long time, particularly in the  
12 context of what you can do by way of texts and what you can do  
13 by way of voice, and she also has an ongoing situation with  
14 the defendant because, in fact, they are together in her car  
15 in the summer, so the reason for her concern is an ongoing  
16 concern.

17 The laugh, the giggle does not change my conclusion on  
18 that. As I say, it could be part of the disguise. It could  
19 also be part of simply the ongoing interchange that she's  
20 having.

21 So I look directly at the Cadieux statements. Well,  
22 first of all, let me quote something else from -- again from  
23 Davis where they say -- when they found it was not  
24 testimonial, she simply was not acting as a witness. She was  
25 not testifying. That's at Page 828 at 547 U.S., talking there

1 about the dispatcher's questioning of that particular person.

2       And here, the Cadieux case says that Davis said the  
3 court should look at several factors, including, one, was the  
4 declarant speaking about current events as they were actually  
5 happening, requiring police assistance rather than describing  
6 past events, and I conclude the answer to that question is yes  
7 as it relates to the possession of the weapon by this  
8 defendant.

9       The question of the theft and when and how that occurred  
10 might have been a past event, but that's not being excised  
11 from the 9-1-1 call. And so the only thing remotely possible  
12 as a past event is that the fact -- is the assertion that he  
13 pointed the gun at her, so possession is ongoing. The  
14 pointing at her may have been a past event in a technical  
15 sense, but it was a very recent past event and part of the  
16 ongoing circumstance with which the caller was confronted and  
17 describing to the police in seeking assistance.

18       Two, would a reasonable listener conclude that the  
19 declarant was facing an ongoing emergency to call for help.  
20 Clearly yes.

21       Three, was the nature of what was asked and answered  
22 during the course of the 9-1-1 call such that, viewed  
23 objectively -- there's that word objectively -- the elicited  
24 statements were necessary to be able to resolve the present  
25 emergency rather than simply to learn what had happened in the

1 past. Again, the answer is yes.

2 Four, what was the level of formality of the interview.  
3 For example, was the caller frantic, in an environment that  
4 was neither tranquil nor safe. I find the caller was scared.  
5 Frantic may be a different matter. She was not in a safe  
6 environment given that he was with her and allegedly had the  
7 weapon. And so I conclude that the Cadieux articulation of  
8 the Davis factors are satisfied and that this is  
9 non-testimonial.

10 If it is non-testimonial, the 9-1-1 call can come in  
11 regardless of whether the Government is able to call Ms.  
12 Hutchins, the caller. I disagree with Mr. Andrews' argument  
13 that the unavailability is still a requirement. I believe  
14 that applies only when it is testimonial, not when the -- not  
15 when it's non-testimonial.

16 And so the evidentiary rule question becomes whether  
17 it's admissible under Rule 803 and I find that it is  
18 admissible under 803(2). I find by the standard of Rule 104  
19 that this is an excited utterance, namely a statement related  
20 to a startling event or condition made while the declarant was  
21 under the stress of excitement that it caused.

22 It also can come in under subsection 1, present sense  
23 impression, because it was a statement describing or  
24 explaining an event or condition made while or immediately  
25 after the declarant perceived of it -- perceived it. And part

1 of it can come in under subsection three, namely the fear of  
2 the statement of the declarant's then existing state of mind  
3 or emotional, sensory or physical condition.

4 The hearsay within hearsay aspect that I was concerned  
5 about and that I expressed to counsel when we met at the jury  
6 empanelment, which is described in Rule 805, the Government  
7 has taken care of that by the redactions that they propose to  
8 make and so with those redactions, I'm no longer concerned  
9 with hearsay within hearsay.

10 And what remains then is the Rule 403 issue. On the  
11 pointing of the gun as it's described in the 9-1-1 call -- and  
12 by the way, I think that question would be identical whether  
13 she testifies in-person or whether it comes in through the  
14 transcript, the 403 issue remains the same. And I conclude  
15 here that although the defendant has an argument in terms of  
16 the effect on the jury of hearing that he pointed the gun at  
17 her when that's not charged -- the charge is simply possessing  
18 the gun -- nevertheless, it's an important element of the  
19 possession and provides a foundation for showing why she would  
20 see that he had the gun in his possession, unlike simply being  
21 in his pocket or hidden or something.

22 And so I find that it really is an intrinsic part of the  
23 possession here, given the time that occurred and given the  
24 fact that her credibility will be a very important matter in  
25 trial, maybe the key element in the trial, in deciding

1       whether, in fact, this defendant possessed the weapon, and so  
2       I will allow it in after considering the 403 factors.

3           Similarly on the theft, I'm not sure the defendant is  
4       pursuing that any longer what -- as was said at oral argument,  
5       but certainly the Government has to prove that the gun was  
6       stolen. It's part of Count 2, and so the information -- the  
7       evidence is admissible, which will now, as I understand it,  
8       come in from the owner of the gun and not from the 9-1-1 call  
9       transcript.

10          And finally, I was also concerned under Rule 403 about  
11       the so-called standoff. I wasn't sure what that even was  
12       until it was articulated today by Mr. Conley, but as I  
13       understand it, Mr. Conley does not plan to introduce evidence  
14       of a standoff, but would rather introduce evidence that the  
15       police saw the defendant run as soon as they -- as soon as he  
16       saw them, and that the gun was ultimately recovered in the  
17       bedroom where the apartment tenant had seen the defendant go  
18       at an earlier point in the day's events.

19          So I think I've ruled on both motions. Have I missed  
20       anything in terms of what -- any concerns from the Government?

21           MR. CONLEY: No, Your Honor.

22           THE COURT: Defense?

23           MR. ANDREWS: No, Your Honor.

24           THE COURT: And I'll just say to Mr. Estes, your  
25       lawyer did a very fine job. The ruling was not in your favor,

1 but he did all that could be done under the circumstance.

2 Anything else before the trial, counsel, that we need to  
3 talk about?

4 MR. CONLEY: I don't think so, Your Honor. We will  
5 talk -- there are a couple of stipulations that I had and we  
6 will be finalizing the stipulations shortly.

7 THE COURT: All right. Thank you all very much.  
8 The Court will stand in recess.

9 (End of proceeding)

10 C E R T I F I C A T I O N

11 I, Dennis Ford, Official Court Reporter for the United States  
12 District Court, District of Maine, certify that the foregoing  
13 is a correct transcript from the record of proceedings in the  
14 above-entitled matter.

15 Dated: April 3, 2020

16 /s/ Dennis Ford

17 Official Court Reporter

18

19

20

21

22

23

24

25

**No. 19-1572**

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**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

---

UNITED STATES OF AMERICA,  
Appellee,

v.

SCOTT ESTES,  
,  
Defendant/Appellant.

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

---

APPENDIX

ROBERT C. ANDREWS  
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SCANNED

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APPEAL,CLOSED,COURTEXHIBITS,SEALEDDOC,VICTIM

**U.S. District Court**  
**District of Maine (Portland)**  
**CRIMINAL DOCKET FOR CASE #: 2:18-cr-00068-DBH All Defendants**

Case title: USA v. ESTES

Date Filed: 05/11/2018

Date Terminated: 10/30/2019

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Assigned to: JUDGE D. BROCK  
HORNBY

Appeals court case number: 19-2111  
First Circuit Court of Appeals

**Defendant (1)****SCOTT ESTES**

TERMINATED: 10/30/2019

represented by **ROBERT C. ANDREWS**  
LAW OFFICE OF ROBERT C.  
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207-879-9850  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

FELON IN POSSESSION OF A  
FIREARM, 18:922(g)(1) AND 924(a)  
(1)

POSSESSION OF STOLEN  
FIREARMS, 18:922(j) AND 924(a)(2).  
(2)

**Disposition**

Defendant sentenced to 36 months  
imprisonment on counts 1 and 2 to be  
served concurrently. 3 years supervised  
release on counts 1 and 2 to be served  
concurrently. \$100 Special Assessment  
in count 1 and \$100 in count 2 for a  
total of \$200.

Defendant sentenced to 36 months  
imprisonment on counts 1 and 2 to be  
served concurrently. 3 years supervised  
release on counts 1 and 2 to be served  
concurrently. \$100 Special Assessment  
in count 1 and \$100 in count 2 for a  
total of \$200.

Highest Offense Level (Opening)

Felony

Terminated CountsDisposition

None

Highest Offense Level (Terminated)

None

ComplaintsDisposition

None

Plaintiff

USA

represented by **MICHAEL CONLEY**  
 U.S. ATTORNEY'S OFFICE  
 DISTRICT OF MAINE  
 100 MIDDLE STREET PLAZA  
 PORTLAND, ME 04101  
 207-780-3257  
 Email: michael.conley@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
05/11/2018	<u>1</u>	INDICTMENT as to SCOTT ESTES (1) Counts 1 and 2. (jib) (Additional attachment(s) added on 5/14/2018: # <u>1</u> Unredacted Document Available at the Clerk's Office) (jib). (Entered: 05/14/2018)
05/11/2018	<u>2</u>	SYNOPSIS as to SCOTT ESTES (jib) (Entered: 05/14/2018)
05/17/2018	<u>6</u>	NOTICE OF HEARING as to SCOTT ESTES: Arraignment, Initial Appearance, Attorney Appointment Hearing set for 5/23/2018 at 10:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 05/17/2018)
05/22/2018	<u>7</u>	MOTION for Detention by USA as to SCOTT ESTES Responses due by 6/12/2018. (CONLEY, MICHAEL) (Entered: 05/22/2018)
05/23/2018	<u>8</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III: Initial Appearance held as to SCOTT ESTES. After court inquiry, the record reflects the defendant was arrested on 5/21/2018. Attorney Appointment Hearing held; ROBERT C. ANDREWS appointed. Arraignment held on Counts 1 and 2, Plea entered: Not Guilty on counts 1 and 2; Plea

		Accepted. The defendant is ordered temporarily detained and remanded to the custody of the US Marshals Service. (Court Reporter: Lori Dunbar) (nrg) (Entered: 05/23/2018)
05/23/2018	<u>9</u>	PROCEDURAL ORDER IN A CRIMINAL CASE as to SCOTT ESTES Motions due by 6/6/2018. Ready for Trial on 7/9/2018. By MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 05/23/2018)
05/23/2018	<u>10</u>	ORDER OF TEMPORARY DETENTION as to SCOTT ESTES Detention Hearing set for 5/29/2018 10:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. By MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 05/23/2018)
05/23/2018	<u>11</u>	Financial Declaration by SCOTT ESTES (Access to document is restricted to USA and applicable defendant only) (nrg) (Entered: 05/23/2018)
05/23/2018	<u>12</u>	ORDER approving <u>11</u> Financial Declaration as to SCOTT ESTES (1) By MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 05/23/2018)
05/23/2018		CJA 20 as to SCOTT ESTES: Appointment of Attorney ROBERT C. ANDREWS;  <b>NOTICE TO COUNSEL:</b> <u>CJA documents are now processed via eVoucher.</u> The link to eVoucher and procedural and policy information regarding CJA appointments can be found on our website at <a href="http://www.med.uscourts.gov/evoucher">http://www.med.uscourts.gov/evoucher</a> . Signed by MAGISTRATE JUDGE JOHN H. RICH III on 5/23/2018. (nrg) (Entered: 05/23/2018)
05/29/2018	<u>13</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III: Detention Hearing Waived as to SCOTT ESTES. The defendant is ordered detained. (Court Reporter: Lori Dunbar) (nrg) (Entered: 05/29/2018)
05/29/2018	<u>14</u>	MOTION for Writ of Habeas Corpus ad Prosequendum of SCOTT ESTES (Access to document is restricted to case participants only) by USA as to SCOTT ESTES. (nrg) (Entered: 05/29/2018)
05/29/2018	<u>15</u>	AMENDED Writ of Habeas Corpus ad Issued on 5/29/18 for SCOTT ESTES as to SCOTT ESTES to appear on 5/23/2018 by MAGISTRATE JUDGE JOHN H. RICH III (Access to document is restricted to case participants only) (nrg) (Entered: 05/29/2018)
05/29/2018	<u>16</u>	ORDER OF DETENTION as to SCOTT ESTES By MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 05/29/2018)
05/29/2018	<u>17</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 7/9/2018 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 7/9/2018. Trial Brief due by 7/2/2018. (lrc) (Entered: 05/29/2018)
06/12/2018	<u>18</u>	Unopposed MOTION to Extend Time to June 27, 2018 <i>to file motions</i> by SCOTT ESTES Responses due by 7/3/2018. (ANDREWS, ROBERT) (Entered: 06/12/2018)
06/13/2018		Set Deadlines as to SCOTT ESTES: Proposed Speedy Trial Exclusion Order due by 6/15/2018. (jib) (Entered: 06/13/2018)

06/13/2018	<u>19</u>	Unopposed MOTION to Continue <i>from the July trial list</i> by SCOTT ESTES Responses due by 7/5/2018. (ANDREWS, ROBERT) (Entered: 06/13/2018)
06/17/2018	<u>20</u>	SPEEDY TRIAL ORDER granting <u>18</u> Motion to Extend Time to file pretrial motions and <u>19</u> Motion to continue trial, Time excluded from 6/8/18 until 6/27/18 and from 7/9/18 until 8/6/18 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib). Modified on 6/27/2018 to add "19" (jib). (Entered: 06/19/2018)
06/19/2018		Reset Deadlines as to SCOTT ESTES: Motions due by 6/27/2018. Ready for Trial on 8/6/2018. (jib) (Entered: 06/19/2018)
06/26/2018	<u>21</u>	TRIAL LIST as to SCOTT ESTES : Jury Selection set for 8/6/2018 at 9:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 8/6/2018. Trial Briefs due by 7/30/2018. (mnw) (Entered: 06/26/2018)
07/17/2018	<u>22</u>	Unopposed MOTION to Continue <i>to September Trial List</i> by SCOTT ESTES Responses due by 8/7/2018. (ANDREWS, ROBERT) (Entered: 07/17/2018)
07/17/2018		Set Deadlines as to SCOTT ESTES: Proposed Speedy Trial Exclusion Order due by 7/19/2018. (jib) (Entered: 07/17/2018)
07/20/2018	<u>23</u>	SPEEDY TRIAL ORDER granting <u>22</u> Motion to Continue, Time excluded from 8/6/18 until 9/4/18 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 07/20/2018)
07/20/2018		Reset Deadlines as to SCOTT ESTES: Ready for Trial on 9/4/2018. (jib) (Entered: 07/20/2018)
07/23/2018	<u>24</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 9/4/2018 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 9/4/2018. Trial Brief due by 8/28/2018. (lrc) (Entered: 07/23/2018)
07/25/2018	<u>25</u>	Pretrial Services Report as to SCOTT ESTES filed by U.S. Probation. (Access to document is restricted to USA and applicable defendant only) (METCALFE, JENNIFER) (Entered: 07/25/2018)
08/08/2018	<u>26</u>	Unopposed MOTION to Reopen Detention Hearing by SCOTT ESTES Responses due by 8/29/2018. (ANDREWS, ROBERT) (Entered: 08/08/2018)
08/10/2018	<u>27</u>	ORDER granting without objection <u>26</u> Motion to Reopen Detention Hearing as to SCOTT ESTES (1). By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN) (Entered: 08/10/2018)
08/14/2018	<u>28</u>	NOTICE OF HEARING ON MOTION as to SCOTT ESTES Re-open Detention Hearing set for 8/21/2018 11:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 08/14/2018)
08/21/2018	<u>29</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III: Conference of Counsel held as to SCOTT ESTES. Reopened Detention Hearing held. The defendant was ordered detained and remanded to the custody of the US Marshals Service. (Court Reporter: Tammy Martell) (slg) (Entered: 08/21/2018)

08/21/2018	<u>30</u>	COURT WITNESS LIST from Reopened Detention Hearing held on 8/21/2018 as to defendant SCOTT ESTES. (slg) (Entered: 08/21/2018)
08/21/2018	<u>31</u>	COURT EXHIBIT LIST from Reopened Detention Hearing held on 8/21/2018 as to defendant(s) SCOTT ESTES (Exhibits listed on the Court Exhibit List are not remotely electronically available) (slg) (Entered: 08/21/2018)
08/28/2018	<u>32</u>	Joint MOTION to Continue <i>Trial</i> by USA as to SCOTT ESTES Responses due by 9/18/2018. (CONLEY, MICHAEL) (Entered: 08/28/2018)
08/28/2018		Set Deadlines as to SCOTT ESTES: Proposed Speedy Trial Exclusion Order due by 8/28/2018. (jib) (Entered: 08/28/2018)
08/29/2018	<u>33</u>	SPEEDY TRIAL ORDER granting <u>32</u> Motion to Continue, Time excluded from 9/4/18 until 10/1/18 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 08/29/2018)
08/29/2018		Reset Deadlines per Speedy Trial Order #33 as to SCOTT ESTES: Ready for Trial on 10/1/2018. (jib) (Entered: 08/29/2018)
08/31/2018	<u>34</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 10/1/2018 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 10/1/2018. Trial Brief due by 9/24/2018. (akr) (Entered: 08/31/2018)
09/25/2018	<u>35</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES [Access to this document is available to the Court and temporarily available to attorneys for USA, SCOTT ESTES only] (nrg) (Entered: 09/25/2018)
09/26/2018	<u>36</u>	Second MOTION to Continue <i>trial</i> by USA as to SCOTT ESTES Responses due by 10/17/2018. (CONLEY, MICHAEL) (Entered: 09/26/2018)
09/26/2018		Set Deadlines as to SCOTT ESTES : Government's Proposed Speedy Trial Exclusion Order due by 9/27/2018. (sfw) (Entered: 09/26/2018)
09/26/2018	<u>37</u>	SPEEDY TRIAL ORDER granting <u>36</u> Second Motion to Continue Trial - Time excluded from 10/1/2018 until 11/5/2018 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (sfw) (Entered: 09/26/2018)
09/26/2018	<u>38</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 11/5/2018 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 11/5/2018. Trial Brief due by 10/29/2018. (sfw) (Entered: 09/26/2018)
10/03/2018	<u>39</u>	Unopposed MOTION Limited Temporary Release\for screening at St. Francis House by SCOTT ESTES Responses due by 10/24/2018. (Attachments: # <u>1</u> Text of Proposed Order)(ANDREWS, ROBERT) (Entered: 10/03/2018)
10/04/2018	<u>40</u>	ORDER OF LIMITED RELEASE granting <u>39</u> Unopposed MOTION Limited Temporary Release as to SCOTT ESTES (1) By MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 10/05/2018)
10/29/2018	<u>41</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form) at the time of jury selection [Access to this document is available to the Court

		and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 10/29/2018)
10/30/2018	42	NOTICE OF HEARING as to SCOTT ESTES Change of Plea Hearing set for 11/1/2018 at 9:15 AM in Portland Hearing Room before JUDGE D. BROCK HORNBY. The defendant will be required to identify every prescription medication he is taking and to specify the dosage and frequency, purpose and effects of the medication. (The same requirement applies to medications prescribed but NOT taken, with an additional requirement that the defendant explain why it was not taken and the consequences of the failure to take it.) Failure to do so satisfactorily may result in the judge's refusal to accept the plea. Counsel may find it convenient to use a written list for this purpose. <b>Counsel shall file the prosecution version and any plea agreement at least 2 business days prior to the change of plea.</b> (Check for Receipt of Prosecution Version and any Plea Agreement on 10/30/2018.) (jib) (Entered: 10/30/2018)
10/30/2018	43	PROSECUTION VERSION as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 10/30/2018)
10/31/2018	44	NOTICE OF HEARING as to SCOTT ESTES - (CHANGE IN COURTRoom ONLY) Change of Plea Hearing set for 11/1/2018 09:15 AM in Portland Courtroom 3 before JUDGE D. BROCK HORNBY. plea. (mjlt) (Entered: 10/31/2018)
10/31/2018	45	NOTICE OF CANCELLED HEARING as to SCOTT ESTES: Please be advised the Change of Plea Hearing set for 11/1/2018 has been cancelled. (jib) (Entered: 10/31/2018)
10/31/2018	46	Unopposed MOTION to Continue <i>jury selection and trial</i> by SCOTT ESTES Responses due by 11/21/2018. (ANDREWS, ROBERT) (Entered: 10/31/2018)
10/31/2018	47	Unopposed MOTION Temporary Release for Treatment by SCOTT ESTES Responses due by 11/21/2018. (ANDREWS, ROBERT) (Entered: 10/31/2018)
11/01/2018		SET Deadlines as to SCOTT ESTES : Proposed Speedy Trial Exclusion Order due by 11/2/2018. (slg) (Entered: 11/01/2018)
11/01/2018	48	ORDER OF LIMITED RELEASE granting <u>47</u> Unopposed MOTION Temporary Release for Treatment as to SCOTT ESTES (1) By MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 11/02/2018)
11/01/2018	49	SPEEDY TRIAL ORDER granting <u>46</u> Motion to Continue Trial, Time excluded from 11/5/18 until 12/3/18 as to SCOTT ESTES (1) By MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 11/02/2018)
11/02/2018	50	TRIAL LIST as to SCOTT ESTES: Jury Selection set for 12/3/2018 at 9:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 12/3/2018. Trial Brief due by 11/26/2018. (jib) (Entered: 11/02/2018)
11/26/2018	51	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form) at the time of jury selection [Access to this document is available to the Court

		and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 11/26/2018)
11/26/2018	<u>52</u>	Joint MOTION to Continue by USA as to SCOTT ESTES Responses due by 12/17/2018. (CONLEY, MICHAEL) (Entered: 11/26/2018)
11/26/2018	<u>53</u>	SPEEDY TRIAL ORDER granting <u>52</u> Motion to Continue Trial, Time excluded from 12/3/18 until 1/7/19 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 11/26/2018)
11/26/2018		Reset Deadlines as to SCOTT ESTES per Speedy Trial Order: Ready for Trial on 1/7/2019. (jib) (Entered: 11/26/2018)
11/27/2018	<u>54</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 1/7/2019 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 1/7/2019. Trial Brief due by 12/31/2018. (lrc) (Entered: 11/27/2018)
12/17/2018	<u>55</u>	Second MOTION to Reopen Detention Hearing by SCOTT ESTES Responses due by 1/7/2019. (ANDREWS, ROBERT) (Entered: 12/17/2018)
12/19/2018	<u>56</u>	ORDER granting without objection <u>55</u> Motion to Reopen Detention Hearing as to SCOTT ESTES (1). By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN) (Entered: 12/19/2018)
12/19/2018	<u>57</u>	NOTICE OF HEARING as to SCOTT ESTES: Re-open Detention Hearing set for 12/27/2018 at 9:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 12/19/2018)
12/26/2018	<u>58</u>	Joint MOTION to Continue <i>Trial</i> by USA as to SCOTT ESTES Responses due by 1/16/2019. (CONLEY, MICHAEL) (Entered: 12/26/2018)
12/26/2018	<u>59</u>	Unopposed MOTION to Continue <i>release hearing</i> by SCOTT ESTES Responses due by 1/16/2019. (ANDREWS, ROBERT) (Entered: 12/26/2018)
12/26/2018	<u>60</u>	ORDER granting without objection <u>59</u> Motion to Continue as to SCOTT ESTES (1). At the defendant's request, the reopened detention hearing in this matter is rescheduled from December 27, 2018, to January 3, 2019. By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN) (Entered: 12/26/2018)
12/26/2018	<u>61</u>	NOTICE OF RESCHEDULED HEARING as to SCOTT ESTES: Continued Reopened Detention Hearing set for 1/3/2019 09:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. (nrg) (Entered: 12/26/2018)
12/26/2018	<u>62</u>	SPEEDY TRIAL ORDER granting <u>58</u> Motion to Continue Trial, Time excluded from 1/7/19 until 2/4/19 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 12/26/2018)
12/27/2018		Reset Deadlines per Speedy Trial Order #62 as to SCOTT ESTES: Ready for Trial on 2/4/2019. (jib) (Entered: 12/27/2018)
01/02/2019	<u>63</u>	ADDENDUM to <u>25</u> Pretrial Services Report as to SCOTT ESTES filed by U.S. Probation. (Access to document is restricted to USA and applicable defendant only) (REINHEIMER, SHARON) (Entered: 01/02/2019)

01/02/2019	<u>64</u>	Unopposed MOTION to Continue <i>reopened release hearing</i> by SCOTT ESTES Responses due by 1/23/2019. (ANDREWS, ROBERT) (Entered: 01/02/2019)
01/03/2019	65	ORDER denying <u>64</u> Motion to Continue as to SCOTT ESTES (1). The defendant's request, brought to the court's attention on January 3, for a one-day continuance of the previously-rescheduled January 3 detention hearing is denied so that the court may discuss with counsel at hearing the parties' respective schedules, including the court's limited availability on January 4 and 7. By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN) (Entered: 01/03/2019)
01/03/2019	66	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III: Motion Hearing begun as to SCOTT ESTES re <u>64</u> Unopposed MOTION to Continue <i>reopened release hearing</i> . The defendant was ordered detained and remanded to the custody of the US Marshals Service. (Court Reporter: FTR) (slg) (Entered: 01/03/2019)
01/03/2019	67	ORAL MOTION to Continue Reopened Detention Hearing by SCOTT ESTES (slg) (Entered: 01/03/2019)
01/03/2019	68	ORAL ORDER granting 67 Motion to Continue as to SCOTT ESTES By MAGISTRATE JUDGE JOHN H. RICH III. (slg) (Entered: 01/03/2019)
01/03/2019	69	NOTICE OF HEARING as to SCOTT ESTES. Continued Reopened Detention Hearing set for 1/4/2019 at 11:00 AM in Portland Hearing Room before MAGISTRATE JUDGE JOHN H. RICH III. (slg) (Entered: 01/03/2019)
01/03/2019	<u>70</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 2/4/2019 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 2/4/2019. Trial Brief due by 1/28/2019. (jib) (Entered: 01/03/2019)
01/04/2019	71	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III: Conference of Counsel held (no court reporter present) and Detention Hearing held as to SCOTT ESTES. The defendant is ordered detained and remanded to the custody of the US Marshals Service. (Court Reporter: Tammy Martell) (nrg) (Entered: 01/07/2019)
01/04/2019	<u>72</u>	COURT EXHIBIT LIST from re-opened detention hearing held on 1/4/19 as to defendant(s) SCOTT ESTES (Exhibits listed on the Court Exhibit List are not remotely electronically available) (nrg) (Entered: 01/07/2019)
01/21/2019	<u>73</u>	ORDER OF DETENTION PENDING TRIAL as to SCOTT ESTES By MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 01/22/2019)
01/25/2019	<u>74</u>	Joint MOTION to Continue <i>Trial from February 2019 to March 2019</i> by USA as to SCOTT ESTES Responses due by 2/15/2019. (CONLEY, MICHAEL) (Entered: 01/25/2019)
01/25/2019	<u>75</u>	SPEEDY TRIAL ORDER granting <u>74</u> Motion to Continue Trial, Time excluded from 2/4/19 until 3/4/19 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 01/28/2019)
01/25/2019		

		Reset Deadlines as to SCOTT ESTES per Speedy Trial Order #75: Ready for Trial on 3/4/2019. (jib) (Entered: 01/28/2019)
01/30/2019	<u>76</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 3/4/2019 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 3/4/2019. Trial Brief due by 2/25/2019. (slg) Modified on 2/7/2019 to correct trial brief deadline (slg). (Entered: 01/30/2019)
02/07/2019		Reset Deadlines as to SCOTT ESTES: Trial Brief due by 2/25/2019. Previous deadline of 3/25/19 was set in error. (slg) Modified on 2/7/2019 to correct previous deadline (slg). (Entered: 02/07/2019)
02/22/2019	<u>77</u>	Unopposed MOTION to Continue to <i>April trial list</i> by SCOTT ESTES Responses due by 3/15/2019. (ANDREWS, ROBERT) (Entered: 02/22/2019)
02/25/2019		Reset Deadlines as to SCOTT ESTES: Proposed Speedy Trial Exclusion Order due by 2/26/2019. (jib) (Entered: 02/25/2019)
02/25/2019	<u>78</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form) at the time of jury selection [Access to this document is available to the Court and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 02/25/2019)
02/25/2019	<u>79</u>	SPEEDY TRIAL ORDER granting <u>77</u> Motion to Continue, Time excluded from 3/4/19 until 4/1/19 as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (jib) (Entered: 02/25/2019)
02/25/2019		Reset Deadlines as to SCOTT ESTES : Ready for Trial on 4/1/2019. (jib) (Entered: 02/26/2019)
02/28/2019	<u>80</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 4/1/2019 at 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 4/1/2019. Trial Brief due by 3/25/2019. (slg) (Entered: 02/28/2019)
03/22/2019	<u>81</u>	Joint MOTION to Continue <i>Trial to the May Trial List</i> by USA as to SCOTT ESTES Responses due by 4/12/2019. (CONLEY, MICHAEL) (Entered: 03/22/2019)
03/22/2019		Set Deadlines as to SCOTT ESTES: Proposed Speedy Trial Exclusion Order due by 3/25/2019. (jib) (Entered: 03/22/2019)
03/25/2019	<u>82</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form) at the time of jury selection [Access to this document is available to the Court and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 03/25/2019)
03/26/2019	<u>83</u>	SPEEDY TRIAL ORDER granting <u>81</u> Motion to Continue Trial, Time excluded from 4/1/19 until 5/6/19 as to SCOTT ESTES (1) By MAGISTRATE JUDGE JOHN H. RICH III. (jib) (Entered: 03/26/2019)
03/26/2019		

		Reset Deadlines as to SCOTT ESTES: Ready for Trial on 5/6/2019. (jib) (Entered: 03/26/2019)
03/29/2019	<u>84</u>	TRIAL LIST as to SCOTT ESTES Jury Selection set for 5/6/2019 09:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 5/6/2019. Trial Brief due by 4/29/2019. (akr) (Entered: 03/29/2019)
04/10/2019		Set Deadlines as to SCOTT ESTES: Any Consents to Jury Selection Before the Magistrate Judge due by 4/17/2019. (jib) (Entered: 04/10/2019)
04/10/2019	<u>85</u>	CONSENT to Jury Selection before the Magistrate Judge by USA as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 04/10/2019)
04/11/2019	<u>86</u>	NOTICE OF HEARING as to SCOTT ESTES: Jury Selection set for 5/6/2019 at 9:00 AM in Portland Courtroom 1 before MAGISTRATE JUDGE JOHN H. RICH III. Jury Trial set to begin on 5/21/2019 at 8:30 AM in Portland Courtroom 2 before JUDGE D. BROCK HORNBY. The Court has reserved 3 days for trial. Trial days will be from 8:30 a.m. to 2:30 p.m. with two 15 minute recesses. (jib) (Entered: 04/11/2019)
04/11/2019	<u>87</u>	MOTION in Limine <i>To Exclude References To Or Testimony Regarding Penalty</i> by USA as to SCOTT ESTES Responses due by 5/2/2019. (CONLEY, MICHAEL) (Entered: 04/11/2019)
04/19/2019	<u>88</u>	MOTION in Limine <i>To Admit 911 Call</i> by USA as to SCOTT ESTES Responses due by 5/10/2019. (Attachments: # <u>1</u> Exhibit)(CONLEY, MICHAEL) (Entered: 04/19/2019)
04/21/2019	<u>89</u>	MOTION in Limine <i>To Use Prior Convictions For Impeachment Purposes</i> by USA as to SCOTT ESTES Responses due by 5/13/2019. (CONLEY, MICHAEL) (Entered: 04/21/2019)
04/22/2019	<u>90</u>	MOTION in Limine <i>to Admit Other Criminal Activities as Intrinsic to the Charged Crimes</i> by USA as to SCOTT ESTES Responses due by 5/13/2019. (CONLEY, MICHAEL) (Entered: 04/22/2019)
04/23/2019	<u>91</u>	CONSENT to Jury Selection before the Magistrate Judge by SCOTT ESTES (ANDREWS, ROBERT) (Entered: 04/23/2019)
04/26/2019	<u>92</u>	Unopposed MOTION to Continue <i>to June trial list</i> and MOTION to Extend Time to File Trial Briefs by SCOTT ESTES Responses due by 5/17/2019. (ANDREWS, ROBERT). Added MOTION to Extend Time to File Trial Briefs on 4/26/2019 (mnw). (Entered: 04/26/2019)
04/26/2019		Set Deadlines as to SCOTT ESTES : Proposed Speedy Trial Exclusion Order re: Motion #92 to Continue Trial and to Extend Time to File Trial Briefs due from counsel for the government by 4/29/2019. (mnw) (Entered: 04/26/2019)
04/29/2019	<u>93</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form) at the time of jury selection [Access to this document is available to the Court and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 04/29/2019)

04/30/2019	<u>94</u>	SPEEDY TRIAL ORDER granting <u>92</u> Motion to Continue. Time excluded from May 6, 2019 until June 3, 2019; granting <u>92</u> Motion to Extend Time as to SCOTT ESTES. By JUDGE D. BROCK HORNBY. (mnw) (Entered: 04/30/2019)
04/30/2019	<u>95</u>	TRIAL LIST as to SCOTT ESTES. Jury Selection set for 6/3/2019 at 9:00 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. On Trial List for 6/3/2019. Trial Briefs due by 5/24/2019. (mnw) (Entered: 04/30/2019)
05/02/2019	<u>96</u>	Unopposed MOTION to Extend Time <i>To File Response To Motion in Limine</i> by SCOTT ESTES Responses due by 5/23/2019. (ANDREWS, ROBERT) (Entered: 05/02/2019)
05/03/2019	<u>97</u>	ORDER granting without objection <u>96</u> Motion to Extend Time as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (HORNBY, D.) (Entered: 05/03/2019)
05/03/2019		Reset Deadlines in case as to SCOTT ESTES regarding <u>87</u> MOTION in Limine <i>To Exclude References To Or Testimony Regarding Penalty</i> & <u>88</u> MOTION in Limine <i>To Admit 911 Call</i> - Per Order #97: Responses due by 5/13/2019. (mnw) (Entered: 05/06/2019)
05/10/2019	<u>98</u>	RESPONSE in Opposition by SCOTT ESTES re <u>88</u> MOTION in Limine <i>To Admit 911 Call</i> Reply due by 5/24/2019. (Attachments: # <u>1</u> Exhibit Katherine text messages, # <u>2</u> Exhibit katherine facebook messenger texts, # <u>3</u> Exhibit Auburn Dispatch Log, # <u>4</u> Exhibit Katherine statement to lewiston Police Department, # <u>5</u> Exhibit 911 call times for 11/13/17)(ANDREWS, ROBERT) (Entered: 05/10/2019)
05/10/2019	<u>99</u>	RESPONSE in Opposition by SCOTT ESTES re <u>90</u> MOTION in Limine <i>to Admit Other Criminal Activities as Intrinsic to the Charged Crimes</i> Reply due by 5/24/2019. (Attachments: # <u>1</u> Exhibit Katherine text messages, # <u>2</u> Exhibit Katherine Facebook messenger texts, # <u>3</u> Exhibit extract from Police report) (ANDREWS, ROBERT) (Entered: 05/10/2019)
05/14/2019	<u>100</u>	NOTICE OF HEARING as to SCOTT ESTES : Jury Selection set for 6/3/2019 at 9:00 AM in Portland Courtroom 1 before MAGISTRATE JUDGE JOHN H. RICH III. (mnw) (Entered: 05/14/2019)
05/14/2019	<u>101</u>	NOTICE OF HEARING as to SCOTT ESTES : Jury Trial set to begin on 6/19/2019 at 8:30 AM in Portland Courtroom 1 before JUDGE D. BROCK HORNBY. The court has reserved three days trial time. Trial days will be from 8:30 a.m. to 2:30 p.m. with two fifteen minute recesses. (mnw) (Entered: 05/14/2019)
05/14/2019	<u>102</u>	ORDER ON MOTIONS IN LIMINE granting <u>87</u> Motion in Limine <i>To Exclude References To Or Testimony Regarding Penalty</i> ; granting <u>89</u> Motion in Limine <i>To Use Prior Convictions For Impeachment Purposes</i> as to SCOTT ESTES. By JUDGE D. BROCK HORNBY. (mnw) (Entered: 05/14/2019)
05/24/2019	<u>103</u>	JUROR QUESTIONNAIRES as to SCOTT ESTES Note: This document contains questionnaires available at the time of filing. Any additional questionnaires collected will be provided to attorneys of record (in paper form)

		at the time of jury selection [Access to this document is available to the Court and temporarily available to attorneys for USA, SCOTT ESTES only] (sef) (Entered: 05/24/2019)
05/24/2019	<u>104</u>	TRIAL BRIEF by SCOTT ESTES with incorporated <i>Proposed Voir Dire and Proposed Jury Instructions</i> (ANDREWS, ROBERT) Modified on 5/30/2019 to add text to reflect that the Proposed Voir Dire and Proposed Jury Instructions are included (mnw). (Entered: 05/24/2019)
05/24/2019	<u>105</u>	MOTION to Extend Time to file reply by USA as to SCOTT ESTES Responses due by 6/14/2019. (CONLEY, MICHAEL) (Entered: 05/24/2019)
05/28/2019	106	ORDER granting without objection <u>105</u> Motion to Extend Time as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (HORNBY, D.) (Entered: 05/28/2019)
05/28/2019	<u>107</u>	TRIAL BRIEF by USA as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 05/28/2019)
05/28/2019		Reset Deadlines in case as to SCOTT ESTES regarding <u>88</u> MOTION in Limine To Admit 911 Call and <u>90</u> MOTION in Limine to Admit Other Criminal Activities as Intrinsic to the Charged Crimes : Per Order #106: Replies due by 5/29/2019. (mnw) (Entered: 05/28/2019)
05/28/2019	108	NOTICE OF HEARING as to SCOTT ESTES **LOCATION CHANGE ONLY** : Jury Trial set to begin on 6/19/2019 at 8:30 AM will now take place in Portland Courtroom 2 before JUDGE D. BROCK HORNBY. The court has reserved 3 days trial time. Trial days will be from 8:30 a.m. to 2:30 p.m. with two fifteen minute recesses. (mnw) (Entered: 05/28/2019)
05/29/2019	109	NOTICE OF HEARING as to SCOTT ESTES: Pre-Jury Selection Conference of Counsel set for 6/3/19 at 8:00 AM in Magistrate Judge Rich's Chambers before MAGISTRATE JUDGE JOHN H. RICH III. (sef) (Entered: 05/29/2019)
05/29/2019	<u>110</u>	REPLY TO RESPONSE to <u>88</u> MOTION in Limine To Admit 911 Call by USA as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 05/29/2019)
05/30/2019	<u>111</u>	Proposed Jury Instructions by USA as to SCOTT ESTES . (CONLEY, MICHAEL) (Entered: 05/30/2019)
05/31/2019	112	NOTICE OF HEARING as to SCOTT ESTES Re: <u>88</u> MOTION in Limine To Admit 911 Call and <u>90</u> MOTION in Limine to Admit Other Criminal Activities as Intrinsic to the Charged Crimes : Oral Argument set for 6/5/2019 at 2:00 PM in Portland Courtroom 2 before JUDGE D. BROCK HORNBY. (mnw) (Entered: 05/31/2019)
06/02/2019	<u>113</u>	WITNESS LIST by SCOTT ESTES . (ANDREWS, ROBERT) (Entered: 06/02/2019)
06/03/2019	114	Minute Entry for proceedings held before JUDGE D. BROCK HORNBY:Conference of Counsel held RE: Juror Issue as to SCOTT ESTES (Court Reporter: Tammy Martell) (clp) (Entered: 06/03/2019)
06/03/2019	115	

		Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III:Jury Selection held as to SCOTT ESTES (Court Reporter: Lori Dunbar) (sef) (Entered: 06/04/2019)
06/03/2019	116	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN H. RICH III:Pre-Jury Selection Conference of Counsel held as to SCOTT ESTES (Court Reporter: No court reporter present) (sef) (Entered: 06/04/2019)
06/05/2019	117	Minute Entry for proceedings held before JUDGE D. BROCK HORNBYS:Motion Hearing held as to SCOTT ESTES re <u>88</u> MOTION in Limine <i>To Admit 911 Call</i> filed by USA, <u>90</u> MOTION in Limine <i>to Admit Other Criminal Activities as Intrinsic to the Charged Crimes</i> filed by USA (Court Reporter: Dennis Ford) (mjlt) (Entered: 06/05/2019)
06/05/2019	<u>118</u>	COURT EXHIBIT LIST from Oral Argument on Motions in Limine held on June 5, 2019 as to defendant(s) SCOTT ESTES (Exhibits listed on the Court Exhibit List are not remotely electronically available) (mjlt) (Entered: 06/05/2019)
06/05/2019	119	ORAL ORDER granting <u>88</u> Motion in Limine to Admit 911 Call as to SCOTT ESTES (1). For reasons stated on the record. By JUDGE D. BROCK HORNBYS. (mjlt) (Entered: 06/05/2019)
06/05/2019	120	ORAL ORDER granting <u>90</u> Motion in Limine to Admit Other Criminal Activities as Intrinsic to the Charged Crimes as to SCOTT ESTES (1). For reasons stated on the record. By JUDGE D. BROCK HORNBYS. (mjlt) (Entered: 06/05/2019)
06/11/2019	<u>127</u>	MOTION in Limine <i>To Admit Proffer-Protected Statements</i> by USA as to SCOTT ESTES Responses due by 7/2/2019. (CONLEY, MICHAEL) (Entered: 06/11/2019)
06/11/2019	<u>128</u>	ADDITIONAL ATTACHMENTS filed by USA as to SCOTT ESTES re <u>127</u> Motion in Limine <i>Attachment 1 Placeholder</i> . (CONLEY, MICHAEL) (Entered: 06/11/2019)
06/11/2019		Reset Deadlines in case as to SCOTT ESTES regarding <u>127</u> MOTION in Limine <i>To Admit Proffer-Protected Statements</i> : Expedited Deadline Requested by U. S. District Judge D. Brock Hornby. Response due by close of business on 6/17/2019. (clp) (Entered: 06/11/2019)
06/12/2019	<u>131</u>	MOTION in Limine <i>to exclude references to or testimony regarding drug use of or mental health issues involving 911 caller</i> by USA as to SCOTT ESTES Responses due by 7/3/2019. (CONLEY, MICHAEL) (Entered: 06/12/2019)
06/12/2019	<u>132</u>	STIPULATION by USA as to SCOTT ESTES <i>interstate nexus</i> . (CONLEY, MICHAEL) (Entered: 06/12/2019)
06/12/2019	<u>133</u>	STIPULATION by USA as to SCOTT ESTES <i>felony status</i> . (CONLEY, MICHAEL) (Entered: 06/12/2019)
06/12/2019		Reset Deadlines in case as to SCOTT ESTES regarding <u>131</u> MOTION in Limine <i>to exclude references to or testimony regarding drug use of or mental</i>

		<i>health issues involving 911 caller : Responses due by close of business 6/17/2019. (clp) (Entered: 06/13/2019)</i>
06/14/2019	<u>134</u>	STIPULATION by USA as to SCOTT ESTES <i>DNA forensic analysis results.</i> (CONLEY, MICHAEL) (Entered: 06/14/2019)
06/16/2019	<u>135</u>	PROSECUTION VERSION <i>Amended</i> as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 06/16/2019)
06/17/2019	<u>136</u>	NOTICE OF HEARING as to SCOTT ESTES : Change of Plea Hearing set for 6/17/2019 at 2:00 PM in Portland Courtroom 1 before JUDGE NANCY TORRESEN. The defendant will be required to identify every prescription medication he is taking and to specify the dosage and frequency, purpose and effects of the medication. (The same requirement applies to medications prescribed but NOT taken, with an additional requirement that the defendant explain why it was not taken and the consequences of the failure to take it.) Failure to do so satisfactorily may result in the judge's refusal to accept the plea. Counsel may find it convenient to use a written list for this purpose. <b>Counsel shall file the prosecution version and any plea agreement at least 2 business days prior to the change of plea.</b> (mnw) (Entered: 06/17/2019)
06/17/2019	<u>137</u>	RESPONSE in Opposition by SCOTT ESTES re <u>127</u> MOTION in Limine <i>To Admit Proffer-Protected Statements</i> Reply due by 7/1/2019. (ANDREWS, ROBERT) (Entered: 06/17/2019)
06/17/2019	<u>138</u>	CONDITIONAL PLEA as to SCOTT ESTES (clp) (Entered: 06/17/2019)
06/17/2019	<u>139</u>	Minute Entry for proceedings held before JUDGE NANCY TORRESEN:Change of Plea Hearing held as to SCOTT ESTES, Guilty Plea entered as to Counts one and two of the indictment ; Plea accepted. Defendant remanded to custody of US Marshal (Court Reporter: Dennis Ford) (clp) (Entered: 06/17/2019)
09/02/2019	<u>143</u>	REQUEST for Extension of Time to File PSI by USPO as to SCOTT ESTES (ELWORTHY, MELISSA) (Entered: 09/02/2019)
09/03/2019	<u>144</u>	ORDER granting <u>143</u> Motion for Extension of Time to File PSI as to SCOTT ESTES (1) By JUDGE D. BROCK HORNBY. (clp) (Entered: 09/03/2019)
09/25/2019	<u>145</u>	NOTICE OF HEARING as to SCOTT ESTES. Presentence Conference set for 10/10/2019 01:30 PM in Judge Hornby's Chambers before JUDGE D. BROCK HORNBY. (clp) (Entered: 09/25/2019)
09/25/2019	<u>146</u>	NOTICE OF HEARING as to SCOTT ESTES Sentencing set for 11/7/2019 12:30 PM in Portland Courtroom 2 before JUDGE D. BROCK HORNBY. <b>Sentencing Exhibits and Documents specified in Local Rule 159 are due five (5) business days prior to the sentencing hearing.</b> (clp) (Entered: 09/25/2019)
10/10/2019	<u>147</u>	Minute Entry for proceedings held before JUDGE D. BROCK HORNBY:Presentence Conference held as to SCOTT ESTES, (Sentencing Brief due by 10/17/2019. Defense Counsel to have list of medications prescribed to Defendant readily available at time of sentencing. Defense Counsel to let Clerk's Office know if there are any objections to conditions and

		whether the conditions can be read aloud or incorporated by reference due by 10/24/2019.) (Court Reporter: Lori Dunbar) (clp) (Entered: 10/10/2019)
10/10/2019	148	NOTICE OF RESCHEDULED HEARING per agreement of the parties as to SCOTT ESTES. Sentencing set for 10/30/2019 10:00 AM in Portland Courtroom 2 before JUDGE D. BROCK HORNBY. Sentencing Exhibits and Documents specified in Local Rule 159 are due five (5) business days prior to the sentencing hearing. (clp) (Entered: 10/10/2019)
10/17/2019	<u>149</u>	SENTENCING MEMORANDUM by SCOTT ESTES (ANDREWS, ROBERT) (Entered: 10/17/2019)
10/17/2019	<u>150</u>	SENTENCING MEMORANDUM by USA as to SCOTT ESTES (CONLEY, MICHAEL) (Entered: 10/17/2019)
10/30/2019	152	Minute Entry for proceedings held before JUDGE D. BROCK HORNBY: Sentencing held as to SCOTT ESTES. Defendant sentenced to 36 months imprisonment on counts 1 and 2 to be served concurrently. 3 years supervised release on counts 1 and 2 to be served concurrently. \$100 Special Assessment in count 1 and \$100 in count 2 for a total of \$200. The defendant is remanded to the custody of the US Marshal. (Court Reporter: Lori Dunbar) (clp) (Entered: 10/30/2019)
10/30/2019	<u>153</u>	COURT EXHIBIT LIST from Sentencing Hearing held on October 30, 2019 as to defendant SCOTT ESTES (Exhibits listed on the Court Exhibit List are not remotely electronically available) (clp) (Entered: 10/30/2019)
10/30/2019	<u>154</u>	JUDGMENT as to SCOTT ESTES By JUDGE D. BROCK HORNBY. (clp) (Entered: 10/30/2019)
10/30/2019	<u>155</u>	Statement of Reasons as to SCOTT ESTES.(Access to document is restricted to USA and applicable defendant only) (clp) (Entered: 10/30/2019)
10/30/2019	<u>156</u>	NOTICE OF APPEAL by SCOTT ESTES re <u>154</u> Judgment . NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from our web site at <a href="http://www.med.uscourts.gov/operations/forms/transcript%20order.pdf">http://www.med.uscourts.gov/operations/forms/transcript%20order.pdf</a> MUST be completed and submitted to the Court of Appeals.  NOTICE TO COUNSEL: Counsel should register for a First Circuit CMECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a> . Counsel should also review the First Circuit requirements for electronic filing by visiting the CMECF Information section at <a href="http://www.ca1.uscourts.gov/efiling.htm">http://www.ca1.uscourts.gov/efiling.htm</a> .  (ANDREWS, ROBERT) (Entered: 10/30/2019)
10/31/2019		COPIES of Notice of Appeal Sent to Counsel as to SCOTT ESTES re <u>156</u> Notice of Appeal - Final Judgment (bfa) (Entered: 10/31/2019)
10/31/2019	<u>157</u>	APPEAL COVER SHEET as to SCOTT ESTES re <u>156</u> Notice of Appeal - Final Judgment (bfa) (Entered: 10/31/2019)
10/31/2019	<u>158</u>	

		CLERK'S CERTIFICATE as to SCOTT ESTES re <u>156</u> Notice of Appeal - Final Judgment. Documents Sent to U.S. Court of Appeals. (bfa) (Entered: 10/31/2019)
10/31/2019		Abbreviated Appeal Record Transmitted Electronically to USCA as to SCOTT ESTES to US Court of Appeals re <u>156</u> Notice of Appeal - Final Judgment (bfa) (Entered: 10/31/2019)
11/01/2019	159	USCA Case Number as to SCOTT ESTES 19-2111 for <u>156</u> Notice of Appeal - Final Judgment, filed by SCOTT ESTES. (clp) (Entered: 11/01/2019)
04/03/2020	<u>160</u>	**FILED IN ERROR** NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to SCOTT ESTES Sentencing held on 10/30/19 before Judge D. Brock Hornby. Court of Appeals Docket Number 19-2111. Court Reporter/Transcriber: Lori Dunbar, Telephone Number: (207) 749-4072. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at <a href="http://www.med.uscourts.gov">www.med.uscourts.gov</a> . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 7/2/2020. (DUNBAR, LORI) Modified on 4/3/2020 to indicate FILED IN ERROR per request of the Filer. Filer to re-file. (clp). (Entered: 04/03/2020)
04/03/2020	<u>161</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to SCOTT ESTES Sentencing held on 10/30/19 before Judge D. Brock Hornby. Court of Appeals Docket Number 19-2111. Court Reporter/Transcriber: Lori Dunbar, Telephone Number: (207) 749-4072. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at <a href="http://www.med.uscourts.gov">www.med.uscourts.gov</a> . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 7/2/2020. (DUNBAR, LORI) (Entered: 04/03/2020)
04/03/2020		NOTICE of Docket Entry Modification as to SCOTT ESTES regarding <u>160</u> Transcript: Modified on 4/3/2020 by the Clerk' Office to indicate FILED IN ERROR per request of the Filer. Filer re-filed as ECF #161 (clp) (Entered: 04/03/2020)
04/06/2020	<u>163</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to SCOTT ESTES Motion in Limine held on 6-5-19 before Judge D. Brock Hornby. Court of Appeals Docket Number 19-2111. Court Reporter/Transcriber: Dennis Ford, Telephone Number: 207-831-8056.

**NOTICE RE REDACTION OF TRANSCRIPTS:** The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at [www.med.uscourts.gov](http://www.med.uscourts.gov). Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 7/6/2020. (FORD, DENNIS) (Entered: 04/06/2020)

PACER Service Center			
Transaction Receipt			
07/09/2020 11:42:37			
PACER Login:	robertandrews	Client Code:	
Description:	Docket Report	Search Criteria:	2:18-cr-00068-DBH
Billable Pages:	12	Cost:	1.20
Exempt flag:	Exempt	Exempt reason:	Exempt CJA

Date: November 13, 2017  
Length of call: 7 minutes 1 second

Participants: 911 Operator  
Katherine Hutchins

[IA] Inaudible  
[OV] Overlapping Voices  
[PH] Phonetic  
[UI] Unintelligible

911 Operator 911, What's address of your emergency?

Katherine Hutchins I can't talk really, because uh, he loaded a gun, and he has it in his pocket and he's a felon

911 Operator Is this 9---is this 9 Glassy Ave?

Katherine Hutchins Um, I'm right at the corner of Knox and um, I don't even know, right where Speakers is, and he's doing something for somebody so he's distracted, but he said he's gonna run. I really need you guys...to understand that I....

911 Operator Yep, I, I do already have somebody enroute, OK? Just stay on the phone with me, OK? So you're now at the corner of Knox and...

Katherine Hutchins I'm gonna have to pretend I'm talking to somebody else so...

911 Operator Yep, that's not a problem..

Katherine Hutchins I don't wanna get shot here, OK?

911 Operator No no, I understand, you do whatever it is you need to do to stay safe, OK?

Katherine Hutchins OK

911 Operator Alright, so you're at the corner of Knox and where?

Katherine Hutchins Um, I'm right at Knox, at the beginning of the one-way of Knox, right there by the police station.

911 Operator                   OK

Katherine Hutchins   ...and he's a felon he's not supposed to have it, he's got needles in his pocket, he's...he's...he's...he's not good, and he loaded it and showed it to me and, and like pointed it at me so I'm a little nervous right now.

911 Operator                   OK.

Katherine Hutchins   I'm shaking

911 Operator                   Alright, where is he exactly?

Katherine Hutchins   Uuuumm, oh yeah I gotta set this up, yup, go on. Um, he's up to no... on my Jeep, Tr..um...Jeep...um, Patriot, um, I have a, a brand new one, I have tags on it, that um, broken nameplate tags on the back...you won't be able to run...I see the cop behind me, he just pulled out. But seriously you guys need to take this like, really seriously right now..

911 Operator                   We are...

Katherine Hutchins   I'm scared

911 Operator                   We are...I, I've got an officer who's coming right for you, OK? I need you to stay on the phone with me, I want to make sure that you, um, make contact with him. What color is your Jeep Patriot?

Katherine Hutchins   Black

911 Operator                   OK, and you're near your black Jeep Patriot?

Katherine Hutchins   Um, yeah that card has uhhh, how much on it again? Um, I'm not sure..

911 Operator                   OK

Katherine Hutchins   It was supposed to have a certain amount on it, and its supposed to be in there yesterday.

911 Operator                   Is he still really close to you?

Katherine Hutchins   Mm-hmm, yeah...can you check that for me?

911 Operator                   Checkin, keep makin, makin conversation, OK?

Katherine Hutchins   Yup, I'll wait, I'll hold...

(Man mumbles in the background)

Katherine Hutchins Oh I know, when?

(man mumbles in the background)

Katherine Hutchins Oh the Trinity Church? Wanna go over there? Let's go the Trinity Church...yeah, see what's for dinner, tasty...

911 Operator Is he...is he with you right now?

Katherine Hutchins Uh huh...

911 Operator OK

Katherine Hutchins I'm uh, yep I'll still hold.....I wonder what they are having at the Trinity Church today for food...

911 Operator Are you currently walking towards the Trinity Church?

Katherine Hutchins Uh, in the car, I don't even know where to park there...going to Trinity Church right?...go eat?....laughs...

911 Operator (man inaudible in the background)

Katherine Hutchins I'm hungry....

911 Operator I'm on the phone with whoever the original caller was...

Katherine Hutchins We can park over here at (Jess'?)....

(background talking inaudible)

911 Operator K, ma'am, are you Katherine?

Katherine Hutchins Yes

911 Operator OK. Alright...

Katherine Hutchins Katherine M. Hutchins

911 Operator Alright, are you in your vehicle right now with him?

Katherine Hutchins Yes

911 Operator OK.

Katherine Hutchins OK

911 Operator Where are you guys going right now, are you heading towards Trinity Church?

Katherine Hutchins No, he's runnin...he's runnin...he's runnin...

911 Operator OK, where's he running?

Katherine Hutchins Uh, inside the Bate, uh, right across from the pre—the uhhh precinct that you guys have it's Promise Early Education Center? He went in there to his friend Jess', and they're not gonna open the door for you.

911 Operator Ok

Katherine Hutchins And you guys are gonna have to get a warrant...I knew that was gonna happen....

911 Operator OK, so he's in which apartment?

Katherine Hutchins Um, I, I can show you...uh as soon as you guys pull up

911 Operator OK

Katherine Hutchins I got two cruisers out front of me right now

911 Operator Yup, I want you to stay on the phone with me until you've made contact with the officer, OK?

Katherine Hutchins Can I lock my door?...I don't know, he's probably gonna shoot me, I'm like, he loaded it right at me and pointed it at me...

911 Operator OK, Ma'am, I want to make sure you're safe, OK?

Katherine Hutchins I do too...I'm really nervous

911 Operator Alright....

Katherine Hutchins He's gonna hide this gun..

911 Operator Do you know, do you know which building he went into?

Katherine Hutchins Yes, um, Two-Eighty-Seven

911 Operator OK

911 Operator Alright, so 287 Knox?

Katherine Hutchins No, no no, Bates..

911 Operator 287 Bates, OK

Katherine Hutchins Remember I was saying the Trinity Church, I was trying to distract him?  
You know...

911 Operator OK

Katherine Hutchins ...he went to go hide his gun right now. He went to go ditch it.  
(inaudible) Well I can confirm who my client is a-and he tried to tell me  
his ex sold it to him

911 Operator OK

Katherine Hutchins we were at the job, we left, he shows me this gun, he's like see I told ya I  
had a gun, no you didn't...and he's like yeah my ex sold it to me... He's a  
felon.... so it's Scott Estes, birthdate 6/27...

911 Operator Scott Estes?

Katherine Hutchins Yes...

911 Operator That's the one who has the...

Katherine Hutchins Yes, that's my boyfriend, or now not...I'm done, I'm scared shitless

911 Operator OK so he's the one who has the gun?

Katherine Hutchins Yes

911 Operator OK, alright...and what was his date of birth?

Katherine Hutchins 6/27, um uh 80

911 Operator OK

Katherine Hutchins Behind me now...two of em...

911 Operator OK, I want you to make contact with the officer, OK? Once that occurs, then let me know and then I'll hang up with you..

Katherine Hutchins OK, alright....I'm going to make contact right now...there he is... he's runnin...he's runnin, he's runnin! He's runnin! He's going back in, leather coat! He just went right back in...went right back in....he's runnin...(inaudible)

911 Operator Was the, was the officer able to hear that, or were you...

Katherine Hutchins ...no yeah I think he did, he saw him run in...

911 Operator K

(typing and background talking...line goes dead)

End of call

Item 2 was not examined as it was passcode locked, with encryption, and no known bypass at this time.

**Findings:**

Item 1:

Requested Log:

[REDACTED]	Incoming	You guys own any guns	11/13/2017 10:59:00 AM(UTC-5)
[REDACTED] katherine kathy	Outgoing	Why?	11/13/2017 11:02:05 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	I know it's a weird question	11/13/2017 11:03:10 AM(UTC-5)
[REDACTED] hutchins katherine kathy	Incoming	But the guy that was cleaning with me today. Came up with 9 mm brown case. I never seen him with it before	11/13/2017 11:04:21 AM(UTC-5)
[REDACTED]	Outgoing	Yes.	11/13/2017 11:04:54 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	So is it yours	11/13/2017 11:05:08 AM(UTC-5)
[REDACTED]	Outgoing	Can you send a photo. We have quite a few guns.	11/13/2017 11:05:26 AM(UTC-5)
[REDACTED]	Outgoing	I am not impressed.	11/13/2017 11:05:36 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	He won't let me. He says it is considered a 380. Me too	11/13/2017 11:05:54 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	We just left there that's why I need you to check it have someone	11/13/2017 11:06:14 AM(UTC-5)
[REDACTED]	Outgoing	I will be calling the police.	11/13/2017 11:06:15 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	Please check to see if it is gone	11/13/2017 11:06:57 AM(UTC-5)
[REDACTED]	Outgoing	I am not home this min	11/13/2017 11:07:09 AM(UTC-5)
[REDACTED] katherine kathy	Incoming	I can't assume til I know	11/13/2017 11:07:14 AM(UTC-5)
[REDACTED]	Outgoing	I am not happy	11/13/2017 11:07:17 AM(UTC-5)

Page 4 of 5  
Maurice F. Drouin  
Det. Sgt.

000197  
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EXHIBIT

tables\*

A

[REDACTED] [REDACTED] katherine kathy	Incoming	Can you have someone look	11/13/2017 11:07:22 AM(UTC-5)
[REDACTED] [REDACTED] katherine kathy	Incoming	I don't want him running away and I won't be able to find him	11/13/2017 11:07:48 AM(UTC-5)
[REDACTED]	Outgoing	It's definitely mine	11/13/2017 11:09:50 AM(UTC-5)
[REDACTED] [REDACTED] katherine kathy	Incoming	Ok you are getting it back please call the police	11/13/2017 11:10:45 AM(UTC-5)
[REDACTED] [REDACTED] katherine kathy	Incoming	Please know he loaded it and I am scare I will be hurt	11/13/2017 11:11:52 AM(UTC-5)
[REDACTED] [REDACTED] katherine kathy	Incoming	Bates	11/13/2017 11:35:46 AM(UTC-5)
[REDACTED] [REDACTED] katherine kathy	Incoming	Bates st	11/13/2017 11:35:56 AM(UTC-5)

All findings are included on the accompanying DVD.

Respectfully submitted:

Maurice F. Drouin.  
Certified Cellebrite Logical Operator  
Androscoggin County Sheriff's Office  
Criminal Investigation Division

Page 5 of 5  
Maurice F. Drouin  
Det. Sgt.

Facebook Business Record

Page 15

Body

Please

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:08:28 UTC

Body I am at Roy's with him

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:08:20 UTC

Body Can you call the cops right now

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:08:10 UTC

Body Omg he stole one from my job. He is with me now

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 16:07:57 UTC

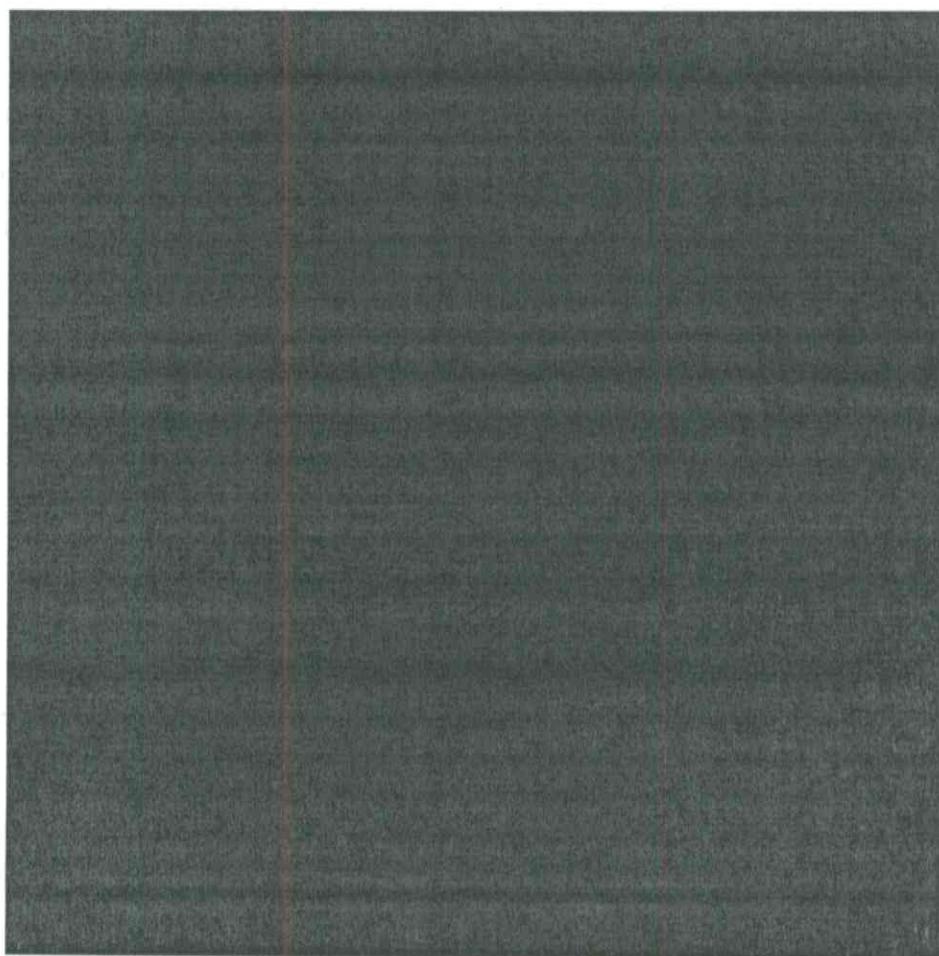
Body No never

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:06:40 UTC

Body I need to know right now. Did you buy Scott a gun. I think he stole one from my job

508



000259  
26

EXHIBIT

B

Facebook Business Record

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Body

He he stole a gun from my job

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 17:20:59 UTC

Body What the fuck happened

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 17:20:44 UTC

Body Ya it don't look good

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 17:20:32 UTC

Body He shut his phone off

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 17:20:28 UTC

Body What!?!?

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 17:15:24 UTC

Body Please talk to him

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 17:14:51 UTC

Body There looks like he is holding a stand off with the loaded gun on bates

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:13:32 UTC

Body K

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:13:26 UTC

Body He will run

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 16:10:24 UTC

Body Than go to the bathroom and call the cops from there I'm not involved

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:09:35 UTC

Body He said you bought it

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:09:20 UTC

Body He stole a gun from my job

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 16:09:08 UTC

Body And tell them what

Author Bethany [REDACTED] (100008066776741)

Sent 2017-11-13 16:08:50 UTC

Body What

Author Katherine [REDACTED] (628855988)

Sent 2017-11-13 16:08:33 UTC

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For Date: 11/13/2017 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
17-106836	1111	911 - POL-Weapons, Gun, Knife Call Taker: LAC085 - ARSENAULT, CELESTE Primary Id: LPD2239 - LACHANCE, Crystal Call Closed By: LAC613 - Timberlake, Brad 11/13/2017 2053 Call Modified By: LAC613 - Timberlake, Brad Location/Address: [LEW] 9 LAASE AVE Jurisdiction: Lewiston Party Entered By: 11/13/2017 1115 LAC085 - ARSENAULT, CELESTE Calling Party: [REDACTED], ASHLEY MORGAN @ 9 LAASE AVE - LEWISTON, ME 04240 207-754-9536 SSN: [REDACTED] Race: W Sex: F Party Entered By: 11/13/2017 1135 LAC085 - ARSENAULT, CELESTE Modified By: 11/13/2017 1926 LAC613 - Timberlake, Brad Involved Party: [REDACTED], SCOTT ANDREW @ 15 ANN ST - LEWISTON, ME 04240 207-402-2199 SSN: [REDACTED] Race: W Sex: M Party Entered By: 11/13/2017 1201 LAC580 - Kelly, Jocelyn Modified By: 11/14/2017 0720 LAC085 - ARSENAULT, CELESTE Involved Party: [REDACTED], TRISTAM D @ 287 BATES ST Apt. #4 - LEWISTON, ME 04240 207-651-9578 SSN: [REDACTED] Race: W Sex: M Party Entered By: 11/13/2017 1224 LAC580 - Kelly, Jocelyn Modified By: 11/14/2017 0719 LAC085 - ARSENAULT, CELESTE Involved Party: [REDACTED], JESSICA LYN @ 287 BATES ST Apt. #4 - LEWISTON, ME 04240 207-440-8494 SSN: [REDACTED] Race: W Sex: F Party Entered By: 11/13/2017 1247 LAC580 - Kelly, Jocelyn Calling Party: WORKING CONSTRUCTION AT 400 BARTLETT Party Entered By: [REDACTED], KEMP @ ***UNKNOWN*** - LEWISTON, ME 04240 207-233-6806 Involved Party: 11/13/2017 1310 LPD2882 - BROWN, JOEY Party Entered By: [REDACTED], KATHERINE @ 602 MIDDLE RD - SABATTUS, ME 04280 207-515-2671 Involved Party: SSN: [REDACTED] Race: W Sex: F 11/13/2017 1440 LAC580 - Kelly, Jocelyn Party Entered By: [REDACTED], JENNIFER M @ 7 GROVE ST - LEWISTON, ME 04240 207-713-1280 Involved Party: SSN: [REDACTED] Race: W Sex: F ID: LPD3047 - HOOD, NATHAN Dispatched By: Disp-11:21:41 Enrt-11:22:13 Arvd-11:29:56 Clrd-16:26:58 Enroute By: LAC460 - BERUBE, ANITA Cleared By: LPD3047 - HOOD, NATHAN ID: LAC178 - Cayer, Mark LPD1018 - BARRETT, Dwight Dispatched By: Disp-11:25:50 Enrt-11:25:53 Arvd-11:29:59 Clrd-16:17:52 Enroute By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA ID: LAC391 - Correia, Jessica LPD4037 - SCHMITZ, Aaron Dispatched By: Disp-11:25:57 Enrt-11:26:00 Arvd-11:27:24 Clrd-16:44:50 Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC178 - Cayer, Mark ID: LPD1620 - ULLRICH, Robert Dispatched By: Disp-11:26:14 Enrt-11:26:20 Arvd-11:30:43 Clrd-18:51:16 Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA ID: LAC613 - Timberlake, Brad LPD3843 - CHAMBERLAIN, CORY Dispatched By: Disp-11:26:35 Enrt-11:26:38 Arvd-11:30:02 Clrd-18:43:00 Enroute By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA ID: LAC613 - Timberlake, Brad LPD3391 - WEAVER, CHARLES Dispatched By: Disp-11:30:57 Enrt-11:30:59 Arvd-11:36:03 Clrd-18:16:42 Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC613 - Timberlake, Brad ID: LPD1788 - LANDRY, Roger Disp-11:31:07 Enrt-11:31:10 Arvd-11:36:05 Clrd-18:51:35	1	1	

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Dispatched By: LAC460 - BERUBE, ANITA  
 Enroute By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2724 - PEARCE, Robert Arvd-11:32:37 Clrd-11:35:00

Dispatched By: LPD2724 - PEARCE, Robert  
 Arrived By: LPD2724 - PEARCE, Robert  
 Cleared By: LAC460 - BERUBE, ANITA  
 ID: LPD2595 - LEVESQUE, David Disp-11:32:42 Enrt-11:32:44 Arvd-11:36:08 Clrd-20:52:54

Dispatched By: LAC460 - BERUBE, ANITA  
 Enroute By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD3166 - MICHAUD, TYLER Disp-11:33:01 Enrt-11:33:05 Arvd-11:36:10 Clrd-20:06:59

Dispatched By: LAC460 - BERUBE, ANITA  
 Enroute By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2724 - PEARCE, Robert Disp-11:35:15 Arvd-11:35:18 Clrd-16:23:19

Dispatched By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LPD2724 - PEARCE, Robert  
 ID: LPD1403 - ROBERTS, Raymond Disp-11:37:37 Arvd-11:37:40 Clrd-15:53:36

Dispatched By: LAC178 - Cayer, Mark  
 Arrived By: LAC178 - Cayer, Mark  
 Cleared By: LAC178 - Cayer, Mark  
 ID: LPD1405 - ST. LAURENT, Randy Disp-11:38:14 Arvd-11:38:16 Clrd-18:51:21

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2615 - CAOUETTE, KEITH Disp-11:46:03 Arvd-11:46:05 Clrd-18:31:14

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD1038 - THEISS, James Disp-11:50:37 Arvd-11:50:40 Clrd-20:52:54

Dispatched By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2239 - LACHANCE, Crystal Disp-11:52:19 Arvd-11:52:21 Clrd-20:52:54

Dispatched By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2882 - BROWN, JOBY Disp-12:12:21 Arvd-12:12:24 Clrd-20:52:54

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2244 - MURPHY, Thomas Disp-12:13:48 Arvd-12:13:51 Clrd-17:08:23

Dispatched By: LAC460 - BERUBE, ANITA  
 Arrived By: LAC460 - BERUBE, ANITA  
 Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2733 - STROUT, KENNETH Disp-12:22:46 Arvd-12:22:48 Clrd-18:51:38

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2676 - ST. LAURENT, DERRICK Disp-12:50:22 Arvd-12:50:24 Clrd-16:30:00

Cleared By: LAC391 - Correia, Jessica  
 ID: LPD1246 - GODBOUT, Roland Disp-13:30:52 Arvd-13:30:54 Clrd-18:51:49

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD2622 - JACQUES, COREY Disp-13:30:59 Arvd-13:31:01 Clrd-18:52:00

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD3877 - CLARK, Garrett Disp-14:03:01 Arvd-14:03:04 Clrd-19:20:41

Cleared By: LAC613 - Timberlake, Brad  
 ID: LPD3657 - AVERY, JAMES Disp-14:03:09 Arvd-14:03:12 Clrd-18:42:37

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Cleared By: LAC613 - Timberlake, Brad  
ID: LPD3571 - GAGNE, KEVIN  
Dispatched By: Disp-14:05:19 Enrt-14:06:08 Arvd-14:57:21 Clrd-18:39:58  
Enroute By: LAC111 - Hart, Darrin  
Arrived By: LAC111 - Hart, Darrin  
Cleared By: LAC178 - Cayer, Mark  
ID: LAC613 - Timberlake, Brad LPD3726 - JACQUES, DARREN  
Disp-14:18:45 Arvd-14:18:48 Clrd-18:43:03  
Dispatched By: LAC460 - BERUBE, ANITA  
Arrived By: LAC460 - BERUBE, ANITA  
Cleared By: LAC613 - Timberlake, Brad LPD3773 - FECTEAU, TRAVYS  
ID: Disp-14:18:54 Arvd-14:18:56 Clrd-18:43:06  
Dispatched By: LAC460 - BERUBE, ANITA  
Arrived By: LAC460 - BERUBE, ANITA  
Cleared By: LAC613 - Timberlake, Brad LPD3079 - JOHNSON, CRAIG  
ID: Disp-14:19:13 Arvd-14:19:16 Clrd-20:52:54  
Cleared By: LAC613 - Timberlake, Brad LPD1247 - ST. PIERRE, David  
ID: Disp-14:19:21 Arvd-14:19:23 Clrd-18:51:53  
Cleared By: LAC613 - Timberlake, Brad LPD1898 - CRAMP, KEVIN  
ID: Disp-14:30:07 Arvd-14:30:08 Clrd-15:55:30  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC178 - Cayer, Mark LPD3515 - MARTIN, TYLER  
ID: Disp-14:53:50 Arvd-14:53:52 Clrd-20:07:36  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC391 - Correia, Jessica LPD3518 - WIERS, NICHOLAS  
ID: Disp-14:54:01 Arvd-14:54:05 Clrd-20:08:51  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC613 - Timberlake, Brad LPD1993 - ROSE, Brian  
ID: Disp-14:54:04 Arvd-14:54:07 Clrd-20:07:45  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC391 - Correia, Jessica LPD1994 - VIERLING, Matthew  
ID: Disp-15:00:42 Arvd-15:00:43 Clrd-17:23:14  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC613 - Timberlake, Brad APD547 - Johnson, Matthew  
ID: Disp-15:18:27 Arvd-15:18:29 Clrd-20:52:54  
Dispatched By: LAC178 - Cayer, Mark  
Arrived By: LAC178 - Cayer, Mark  
Cleared By: LAC613 - Timberlake, Brad LPD2244 - MURPHY, Thomas  
ID: Disp-17:09:35 Clrd-18:51:45  
Dispatched By: LAC613 - Timberlake, Brad  
Cleared By: LAC613 - Timberlake, Brad LPD3047 - HOOD, NATHAN  
ID: Disp-17:28:19 Arvd-17:28:21 Clrd-18:22:26  
Dispatched By: LAC391 - Correia, Jessica  
Arrived By: LAC391 - Correia, Jessica  
Cleared By: LAC613 - Timberlake, Brad LPD3082 - MAILLET, LARRY  
ID: Disp-18:12:03 Arvd-18:12:10 Clrd-18:36:43  
Dispatched By: LAC391 - Correia, Jessica  
Arrived By: LAC391 - Correia, Jessica  
Cleared By: LAC613 - Timberlake, Brad LPD2416 - GRIFFIN, PATRICK  
ID: Disp-18:12:08 Arvd-18:12:10 Clrd-18:31:10  
Dispatched By: LAC391 - Correia, Jessica  
Arrived By: LAC391 - Correia, Jessica  
Cleared By: LAC613 - Timberlake, Brad

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ID: LPD3843 - CHAMBERLAIN, CORY  
Disp-19:18:35 Arvd-19:18:37 Clrd-19:33:48  
Dispatched By: LAC613 - Timberlake, Brad  
Arrived By: LAC613 - Timberlake, Brad  
Cleared By: LAC613 - Timberlake, Brad  
Narrative: 11/13/2017 1115 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1116 ARSENAULT, CELESTE

CLEANING LADY WAS THE THERE WITH ANOTHER MALE SUBJECT AND A GUN WAS TAKEN  
KATHERINE [REDACTED] IS THE CLEANING LADY - BELIEVES HER ADDRESS MAY BE IN [REDACTED]  
KATHERINE IS WITH THE MALE IN LITCHFIELD IN A BLACK PATRIOT JEEP UNKNOWN LICENSE PLATE,  
KATHERINE TEXTED ASHLEY FROM [REDACTED] - ADVISED THAT SHE FOUND THE GUN AND KATHERINE SAID SHE BELIEVES THE MALE WILL RUN IF SHE KNOWS THAT SHE FOUND THE GUN UNKNOWN WHO THE MALE SUBJECT IS

Narrative: 11/13/2017 1115 ARSENAULT, CELESTE  
SMITH AND WESSON 380 - IN A BROWN HOLSTER  
IT IS LOADED - 7 BULLETS

Narrative: 11/13/2017 1122 Kelly, Jocelyn  
CALLER IS NOW AT THE BEGINNING OF KNOX NEAR THE POLICE STATION. MALE HAS POINTED THE GUN AT HER PREVIOUSLY, HE IS OUTSIDE NEAR HER JEEP PATRIOT.

Narrative: 11/13/2017 1122 Kelly, Jocelyn  
CALLER IS NEAR THE BLK JEEP PATRIOT WITH TEMP PLATES.

Narrative: 11/13/2017 1122 Kelly, Jocelyn  
MALE IS STILL VERY CLOSE TO HER WITH THE WEAPON.

Narrative: 11/13/2017 1123 Kelly, Jocelyn  
MALE IS WITH THE CALLER RIGHT NOW.

Narrative: 11/13/2017 1123 Kelly, Jocelyn  
ON THE PHONE WITH KATHERINE RIGHT NOW.

Narrative: 11/13/2017 1124 Kelly, Jocelyn  
SHE IS IN HER VEHICLE RIGHT NOW WITH THE MALE HALF.

Narrative: 11/13/2017 1124 Kelly, Jocelyn  
MALE IS NOW RUNNING

Narrative: 11/13/2017 1125 Kelly, Jocelyn  
MALE IS NOW INSIDE A BUILDING

Narrative: 11/13/2017 1125 Kelly, Jocelyn  
MALE WENT INTO 287 BATES BUILDING

Narrative: 11/13/2017 1126 Kelly, Jocelyn  
SCOTT ESTES, 6/27/80, IS THE MALE

Narrative: 11/13/2017 1126 Kelly, Jocelyn  
MALE RUNNING BACK INSIDE, HAS A LEATHER COAT.

Narrative: 11/13/2017 1127 Kelly, Jocelyn  
FEMALE DISCONNECTED WITH DISPATCH.

Narrative: 11/13/2017 1128 ARSENAULT, CELESTE  
SIGNAL 1000 AT 11:28

Narrative: 11/13/2017 1139 ARSENAULT, CELESTE  
NOTHING ON FIRE ESCAPE BACKSIDE PER 217

Narrative: 11/13/2017 1140 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1141 ARSENAULT, CELESTE  
208 ADVISED A MALE CAME OUT ON THE FIRST LEVEL - NOW BACK IN

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Narrative: 11/13/2017 1141 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1142 ARSENAULT, CELESTE  
SCOTT [REDACTED] GREY SS/BLACK LEATHER JACKET/WM PER 216

Narrative: 11/13/2017 1145 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1149 ARSENAULT, CELESTE

\*\*\*\*\*USE EXTREME CAUTION - SUSPECT IS ARMED\*\*\*\*\*

Narrative: 11/13/2017 1149 ARSENAULT, CELESTE  
204 TEXT RECEIVED SUBJECT AT OLD HUDSON BUS LINE UNITS

Narrative: 11/13/2017 1149 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1150 ARSENAULT, CELESTE  
UNITS ADVISED 231 OUT IN THAT AREA 205 207 OUT OLD HUDSON  
BUS LINE

Narrative: 11/13/2017 1152 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1153 ARSENAULT, CELESTE  
204 PER TEXT - NOW SAYING GOING TO BE AT HIGH SCHOOL IN 5  
MINUTES - UNITS UPDATED

Narrative: 11/13/2017 1153 ARSENAULT, CELESTE  
402-2199

Narrative: 11/13/2017 1157 ARSENAULT, CELESTE  
LEWISTON HIGH ADVISED - TAKING PRECAUTIONS AS PER PROTOCOL  
PER 239 - 211 ON SCENE OVERLOOKING FIELD

Narrative: 11/13/2017 1157 ARSENAULT, CELESTE  
PHONE PING REQUEST PER 216

Narrative: 11/13/2017 1200 Kelly, Jocelyn  
MALE SUBJECT IS [REDACTED] HE DOES NOT HAVE A PHONE  
NUMBER LISTED BUT TD BANK IS GOING TO GIVE HIM DISPATCH'S  
PHONE NUMBER TO CALL ASAP.

Narrative: 11/13/2017 1209 Cayer, Mark  
1154AM- PHONE POWERED OFF NOW  
ONLY SHOWS HIT TOWER AT [REDACTED], WITHIN .028 MILES  
EAST/SOUTH EAST DIRECTION.  
NO AVAILABLE LAT/LONG.

Narrative: 11/13/2017 1213 ARSENAULT, CELESTE  
246 ER TO [REDACTED] TD BANK TO LOCATE TRISTAM MCNEIL AT  
12:06

Narrative: 11/13/2017 1221 ARSENAULT, CELESTE  
JENNIFER WILLIAMS LIVES AT [REDACTED] #1 - TRISTAM MCNEIL'S  
GF/216 ADVISED - THEY HAVE A NEWLY SIGNED LEASE THERE

Narrative: 11/13/2017 1221 ARSENAULT, CELESTE  
MARTEL ON LOCKDOWN PER 237 237 WILL BE ON SCENE

Narrative: 11/13/2017 1222 ARSENAULT, CELESTE  
TRIED JENNIFER [REDACTED] NUMBER IN HOUSE - NOT ACCEPTING  
CALLS

Narrative: 11/13/2017 1232 ARSENAULT, CELESTE  
246 ER TO STATION WITH TRISTAM MCNEIL FROM 9 ATLANTIS

Narrative: 11/13/2017 1233 ARSENAULT, CELESTE  
[REDACTED] AT & T JESSICA WILLIAMS PING PER 216 MAY BE IN  
APT WITH SUSPECT

Narrative: 11/13/2017 1235 ARSENAULT, CELESTE  
216 REQUESTED UNITED TO STAGE PARKING LOT OF SUBSTATION

Narrative: 11/13/2017 1236 ARSENAULT, CELESTE

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UNITED ADVISED TO STAGE PARKING LOT 292 BATES

Narrative: 11/13/2017 1238 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1239 ARSENAULT, CELESTE  
UTILIZING BATES ST AS SUBSTATION/ROTATING PD UNITS

Narrative: 11/13/2017 1246 ARSENAULT, CELESTE  
TRIED JESSICA'S [REDACTED] NO ANSWER -LM

Narrative: 11/13/2017 1246 Kelly, Jocelyn  
KEMP CAREY, FROM THE CONSTRUCTION SITE AT 400 BARTLETT ST,  
WAS TOLD EARLIER THAT IF A W/M WITH A GRY HOODED SWEATSHIRT  
AND BLK LEATHER JACKET SHOULD GO BY TO CALL 911 BY OFFICERS  
BECAUSE HE WAS A SUSPECT. CALLER STATING HE JUST SAW SOMEONE  
MATCHING THAT DESCRIPTION HEADED TOWARDS PUBLIC WORKS.

Narrative: 11/13/2017 1247 ARSENAULT, CELESTE  
216 UPDATED

Narrative: 11/13/2017 1248 Hart, Darrin  
ASHLEY WING CALLED BACK ON 9-1-1 ASKING IF SHE SHOULD GO ON  
LOCK-DOWN AT THE DAY CARE [REDACTED] I ADVISED HER TO DO  
WHAT SHE THOUGHT SHE SHOULD DO, ADVISED HER IF SHE DOES IN  
FACT GO ON LOCK-DOWN TO NOT LET ANYONE IN/OUT OF THE DAY  
CARE. SHE MAINLY CALLED IN FOR AN UPDATE.  
ALSO, SHES REQUESTING A PHONE CALL WHEN THE SUSPECT IS  
LOCATED.

Narrative: 11/13/2017 1248 ARSENAULT, CELESTE  
217 AND 242 CHECKING THAT LOCATION

Narrative: 11/13/2017 1248 ARSENAULT, CELESTE  
207 SUBJECT UP NEAR WILLOW CIRCLE NOT THE CORRECT PERSON

Narrative: 11/13/2017 1250 ARSENAULT, CELESTE  
222 AT THE DOOR WITH OFFICER HOOD AND SCHMITZ

Narrative: 11/13/2017 1252 ARSENAULT, CELESTE  
APTS ARE BEING EVACUATED AT 1249

Narrative: 11/13/2017 1254 Cayer, Mark  
AT&T PING REQUEST ON [REDACTED]  
LAT 44 05 26.729N  
LON 070 12 42.516W  
WITHIN 792 METERS

Narrative: 11/13/2017 1308 ARSENAULT, CELESTE  
312-1652 SHOWS RED HOUSE AT 85 KNOX - 792 METERS CERTAINTY  
FACTOR

Narrative: 11/13/2017 1309 ARSENAULT, CELESTE  
SISTER AND KATHERINE AT STATION PER 216

Narrative: 11/13/2017 1310 ARSENAULT, CELESTE  
232 SPEAKING TO HIGH SCHOOL PER 211 ABOUT SCHOOL RELEASE

Narrative: 11/13/2017 1311 ARSENAULT, CELESTE  
211 AT SUBSTATION - INCIDENT COMMAND POST

Narrative: 11/13/2017 1312 Cayer, Mark  
MIKE HATCH, ST MARYS SAFETY OFFICER IS PUTTING B STREET  
CLINIC ON LOCKDOWN FOR ALL UNKNOWN PATIENTS, STILL TAKING  
"KNOWN" PATIENTS.

Narrative: 11/13/2017 1312 ARSENAULT, CELESTE  
216 SPOKE WITH JESSICA ADVISING NOT IN THE APARTMENT /NOT  
COOPERATIVE WITH HER LOCATION ADVISED TO GO TO STATION RIGHT  
AWAY 246 UPDATED

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Narrative: 11/13/2017 1326 ARSENAULT, CELESTE  
217, SGT RANDY ST 222, SGT D ST LAURENT 242 MICHAUD 241  
LEVESQUE, 240 MURPHY AT THE FRONT DOOR AND 201

COREY JACQUES AT THE CORNER OF KNOX/BATES  
GODOBOUT AT KNOX REAR OF BUILDING OBSERVING  
205 AT REAR OF BUILDING

APT 3 CLEARED AND VACANT PER 222

Narrative: 11/13/2017 1332 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1333 ARSENAULT, CELESTE  
JESSICA WILLIAMS JUST CAME OUT BACK DOOR UNCOOP - 216  
LOOKING FOR A TRANSPORT - 208 TO TRANSPORT

Narrative: 11/13/2017 1341 ARSENAULT, CELESTE  
208 transporting Jessica Williams starting mileage 57532 at  
1340

Narrative: 11/13/2017 1341 ARSENAULT, CELESTE  
208 at station em 57532 at 1341

Narrative: 11/13/2017 1343 ARSENAULT, CELESTE  
208 clear of station heading back

Narrative: 11/13/2017 1354 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1355 ARSENAULT, CELESTE  
Scott Estes has 24 x 2  
Probation revocation - no bail allowed  
FTA/theft by unauthorized 362.50

242 attempt to negotiate per 216

Narrative: 11/13/2017 1401 ARSENAULT, CELESTE  
216 leaving to go to substation would like 250 to head to  
scene for media

Narrative: 11/13/2017 1401 ARSENAULT, CELESTE  
250 advised

Narrative: 11/13/2017 1404 ARSENAULT, CELESTE  
LPD3877 AND LPD3657 AVERY AT 287 BATES

Narrative: 11/13/2017 1406 Hart, Darrin  
210 OFFICER K.GAGNE ENRT TO THE COMMAND POST FOR NEGOTIATION

Narrative: 11/13/2017 1406 ARSENAULT, CELESTE  
203 BLOCKING TRAFFIC KNOX/BIRCH

Narrative: 11/13/2017 1410 ARSENAULT, CELESTE  
Modified By: 11/13/2017 1411 ARSENAULT, CELESTE  
242 TEAM AT ENTRY STLAURENTS/CAUETTE/AVERY/CLARK/MICHAUD  
240/241 EXIT DOOR

Narrative: 11/13/2017 1413 ARSENAULT, CELESTE  
SHELTER 2ND FLOOR COMMUNITY CENTER ON BATES ST

Narrative: 11/13/2017 1416 ARSENAULT, CELESTE  
FECTEAU ON BIRCH ST END OF BATES ST  
JACQUES ON MAPLE ST END OF BATES ST  
CROWD CONTROL

Narrative: 11/13/2017 1500 Cayer, Mark  
EXPANDING PERIMETER TO BIRCH/PARK

Narrative: 11/13/2017 1512 Cayer, Mark  
ESTES, SCOTT 6/27/80  
OF- 5349

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SEQ-7975, 8423  
ATN-247374B

Narrative: 11/13/2017 1611 Cayer, Mark  
LPW CALLED AND PROVIDED SGT CLIFFORDS NUMBER FOR BARRICADES.

Narrative: 11/13/2017 1805 Timberlake, Brad  
Modified By: 11/13/2017 1806 Timberlake, Brad  
216 ADVISING THAT A LIGHT CAME ON IN THE APARTMENT.

Narrative: 11/13/2017 1806 Timberlake, Brad  
216 ADVISES LIGHT IS OFF.

Narrative: 11/13/2017 1808 Timberlake, Brad  
Modified By: 11/13/2017 1809 Timberlake, Brad  
216 ADVISES SUSPECT IN CUSTODY W/MSP.

Narrative: 11/13/2017 1811 Timberlake, Brad  
216 NEEDS TRANSPORT OFFICER AT COMM RES TEAM.

Narrative: 11/13/2017 1812 Correia, Jessica  
205 MAILLET & 206 GRIFFIN ENROUTE FOR TRANSPORT.

Narrative: 11/13/2017 1815 Timberlake, Brad  
216 ADVISES THAT 201 HAS A CRUISER AND WILL DO THE  
TRANSPORT, 205 AND 206 CAN CANCEL.

SIGNAL 1000 CLEAR AT 1814 PER 116 ON PRIME AS WELL AS TAC.

Narrative: 11/13/2017 1815 Timberlake, Brad  
201 NIGHTS, OFC AVERY, TRANSPORTING SUBJECT TO STATION.

Narrative: 11/13/2017 1816 Timberlake, Brad  
201, AVERY OUT AT THE STATION.

Narrative: 11/13/2017 1830 Timberlake, Brad  
216 ADVISES KEEP BATES CLOSED BETWEEN BIRCH AND MAPLE WHILE  
MSP GETS THEIR STUFF PICKED UP.

Narrative: 11/13/2017 1918 Timberlake, Brad  
202 TRANSPORTING SCOTT TO COUNTY.

Narrative: 11/13/2017 1920 Timberlake, Brad  
ANDRO COMM ADVISED OF ARREST, WILL REMOVE NCIC WARRANT.

Narrative: 11/13/2017 1924 Timberlake, Brad  
202 CHAMBERLAIN OFF AT ACJ.

Narrative: 11/13/2017 1926 Timberlake, Brad  
ALL MAINE WARRANTS LOCATED, 10-29 CHECK REVEALS NO ACTIVE  
WARRANTS.

Narrative: 11/13/2017 1934 Timberlake, Brad  
202 CLEAR OF COUNTY.

Refer To Arrest: 17LEW-1871-AR

Arrest: SCOTT, SCOTT ANDREW

Address: AUBURN, ME

Age: 37

Charges: THEFT BY UNAUTHORIZED TAKING OR TRANSFER  
POSSESSION OF FIREARM BY PROHIBITED PERSON  
CRIMINAL THREATENING WITH A DANGEROUS WEAPON

Refer To Incident: 17LEW-5349-OF



**Lewiston Police Department Statement Form**

Report #: 17Lew-5349-OF

Date: 11/3/17 Time: \_\_\_\_\_ Place: Lewiston PD

Statement of: Katherine D.O.B: \_\_\_\_\_

Residential Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Place of Work: McDonald's Phone: \_\_\_\_\_

I, Katherine, am making the following statement to a law enforcement officer regarding a possible criminal matter, with the understanding that any false statement may be punishable as a Class D crime, under MRSA Title 17-a, section 453.

I, Katherine, have been dating Scott since Sept. 28th of this year. Scott seemed real nice at first. I said he worked at a marijuana plant. We had a few arguments about having no money. So Scott has helped me at a cleaning job a few times to help with things that he wants, such as cigarettes and beer. Plus, Scott has been driving (in my reverence) since the beginning of October. Scott has made several attempts that if he ever gets caught by police that he would make PD get their paycheck. I didn't believe that he was terrorist because has lived about owned several things like what he wanted. KH

Signed: Katherine Witnessed by: Col P

Supervisor: \_\_\_\_\_

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LPD 06-S50.IILB.e (1) Rev.20130125





Lewiston Police Department Statement Form

Report #: 17000-5349-06

such as property so when it came down to him saying he owned a gun.  
Iwt didn't believe him until today, 11/13/17. So today Scott was suppose to go to work in Falmouth to do drywall. But when he got in the car around 8 am the garage was on E. or close to it. So I say to Scott why don't you help me with my cleaning job at the upscale failed wings on Foster St. off of Main. So @ the job Scott was very quiet. He didn't say much but his work was extra good. Even though it was out of charter for him I never question it. So we have around 11AM and I say to Scott lets go to Falmouth so you can go to work. He says no. I am gonna sell that gun I told you about, which I said ya right I heard that before. Scott shows me a clip w/ bullets in it. I looked at him puzzled and asked him where did you get that? He said I told you Beth bought it for me. Because I can't buy one I am a felon. So I am liele driving (I have stick shift). I hear him and see out of the corner of my eyes he shows it in my face. Which the way he did it made me very scared. I literally had hair in the back of my neck stand up, I tell Scott to put it away from what

Initials KH



Lewiston Police Department Statement Form

Report #: 15-cv-5342-ox

See, it was a small gun in a brown holster. So he says he isn't gonna sell it until today when he didn't go to work. So I ask him how long have you had it. He said he picked it up when he got his coat. He said he kept the bullets in his jacket and gun in his tool box which is in the basement. So this point we are on Main St. and a lady Bigapple Bets Facebook messages me this. Never would I buy a felon a gun. I text the daycare lady Ashley. Asked her do you own any guns? She says why. All in a text. She says several. I said are you missing a 9mm 380? She says why. I ask her to ask someone to go check. I tell Scott its just someone who might buy it. So at this point we are in Quebec by the pawn shop. So he says let's see my friendless she can sell it. Oh why? weird you wouldn't ask me. Then he says well buying me to my sister she is on Abbott St. So I tell him I need to see a friend in downtown first. So I pull on Knox St. That's when a solo guy knocked in my window and had himself cables

Initials JH



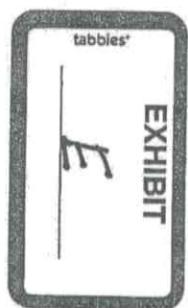
Lewiston Police Department Statement Form

Report #: 17000-5142-OF

in his hand. So I peaked up, on the one way and asked Scott to jump thru car. So I called 911 and told the lady my safety came first. So if he comes back it would pretend to be on the phone with debel (air company). So I explained to her that my bf just stole a gun from my cleaning job @ the daycare. That I was in there because of how he painted @ me. Scott had a blank stare in his eyes when he did it. (So that made me very uncomfortable.) So I tell Scott I am on hold with debel company. Scott makes a statement that we should eat bugs @ the Trinity Church. I said "ya Boushy" laughing but it gave a hint to the dispatch people. So Scott ran into [REDACTED] to his friends Jess & Kristin house. That's when 2 officers were behind me. Scott was Criminal out of the building when he ran because he saw 2 cops behind me, while the cops are searching for him. He said meet him @ Hudson bus old station. Then he says meet me @ the High School which I confirmed the officers on scene.

Initials KH

11/13/2017 11:11:09	00:00:12	LFD Pos #1
11/13/2017 11:11:23	00:04:40	LFD Pos #1
11/13/2017 11:12:28	00:00:22	Position 2
11/13/2017 11:12:43	00:03:11	Position 5
11/13/2017 11:14:29	00:00:51	Position 4
11/13/2017 11:15:36	00:01:18	SPARE Pos #4
11/13/2017 11:16:04	00:01:15	Position 2
11/13/2017 11:17:27	00:03:20	APD Pos #6
11/13/2017 11:17:30	00:03:02	LFD Pos #1
11/13/2017 11:17:39	00:02:30	Position 4
11/13/2017 11:19:33	00:00:20	AFD Pos #2
11/13/2017 11:19:50	00:00:32	Position 2
11/13/2017 11:20:21	00:07:00	SPARE Pos #4



## ROBERT C. ANDREWS, ESQUIRE, P.C.

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July 9, 2020

Maria Hamilton, Clerk  
U.S. Court of Appeals for the First Circuit  
One Courthouse Way, Suite 2500  
Boston, MA 02210

RE: United States v.  
Scott Estes  
Docket No. 19-1572

### **CERTIFICATE OF SERVICE**

This is to certify that an electronic copy of the Brief and Appendix was served this date, by electronic case filing system or first class, postage prepaid, to Ms. Julia Lipez, AUSA, along with a copy to the defendant, at the following addresses:

Ms. Julia Lipez, AUSA  
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Portland Maine 04101

Mr. Scott Estes  
Inmate No: 13350-036  
USP Hazelton  
U.S. PENITENTIARY  
P.O. BOX 2000  
Bruceton Mills WV 26525

DATED: July 9, 2020

/S/ Robert C. Andrews  
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