

Address:
City:
Zip Code:
Telephone:

Address:
State:
Zip Ext:

Attorneys Involved

3 Attorneys Involved for Docket: WOCR2003-00546

**Attorney
Involved:**

Last Name: Kaeding
Address: 17 Hamilton Street
City: Southbridge
Zip Code: 01550
Telephone: 508-764-3303
Fascimile:

Firm Name:

First Name: James J
Address: PO Box 519
State: MA
Zip Ext:
Tel Ext:
Representing: Hoose, Kelly (Defendant)

**Attorney
Involved:**

Last Name: McCarthy
Address: 2 Main Street
City: Worcester
Zip Code: 01608
Telephone: 508-757-2786
Fascimile: 508-831-9899

Firm Name:

Firm Name: WORC02
First Name: Maura
Address: Courthouse
State: MA
Zip Ext:
Tel Ext:
Representing: Commonwealth, (Plaintiff)

**Attorney
Involved:**

Last Name: Relly III
Address: 2 Main Street
City: Worcester
Zip Code: 01608
Telephone: 508-792-0214
Fascimile: 508-831-9899

Firm Name:

Firm Name: WORC02
First Name: Joseph J
Address: Courthouse Room 220
State: MA
Zip Ext: 1176
Tel Ext:
Representing: Commonwealth, (Plaintiff)

Calendar Events

47 Calendar Events for Docket: WOCR2003-00546

| No. | Event Date: | Event Time: | Calendar Event: | SES: | Event Status: |
|------------|------------------------|------------------------|------------------------|-------------|-------------------------|
| 1 | 04/23/2003 | 09:00 | Arraignment | 1 | Event held as scheduled |
| 2 | 05/23/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 3 | 06/27/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 4 | 08/08/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |

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|----|------------|-------|----------------------------------|---|--|
| 5 | 09/30/2003 | 09:00 | Conference: Pre-Trial | 1 | Event not held--req of Commonwealth |
| 6 | 10/10/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 7 | 11/06/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 8 | 12/01/2003 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 9 | 01/09/2004 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 10 | 02/25/2004 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 11 | 02/25/2004 | 09:00 | TRIAL: by jury | 1 | Event canceled not re-scheduled |
| 12 | 03/31/2004 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 13 | 04/30/2004 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 14 | 06/01/2004 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 15 | 07/19/2004 | 09:00 | Conference: Pre-Trial | 1 | Event held as scheduled |
| 16 | 09/10/2004 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 17 | 11/02/2004 | 09:00 | TRIAL: by jury | 1 | Event canceled not re-scheduled |
| 18 | 11/02/2004 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 19 | 11/19/2004 | 09:00 | Hearing: Motion | 1 | Event rescheduled by court prior to date |
| 20 | 12/21/2004 | 09:00 | Hearing: Evidentiary-dismiss | 1 | Event held as scheduled |
| 21 | 01/25/2005 | 09:00 | Hearing: Motion | 1 | Event held as scheduled |
| 22 | 02/18/2005 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 23 | 03/10/2005 | 09:00 | Hearing: Motion | 1 | Event moved to another session |
| 24 | 03/10/2005 | 09:00 | Hearing: Motion | 2 | Event held as scheduled |
| 25 | 04/22/2005 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 26 | 05/17/2005 | 09:00 | TRIAL: by jury | 1 | Event rescheduled by court prior to date |
| 27 | 09/12/2005 | 09:00 | TRIAL: by jury | 1 | Event canceled not re-scheduled |
| 28 | 09/12/2005 | 09:00 | Hearing: Evidentiary-dismiss | 1 | Event held as scheduled |
| 29 | 09/27/2005 | 09:00 | TRIAL: by jury | 1 | Event canceled not re-scheduled |
| 30 | 09/27/2005 | 09:00 | Conference: Trial Assignment | 1 | Event not reached by Court |
| 31 | 10/14/2005 | 09:00 | Hearing: Motion | 1 | Event not held--joint request |
| 32 | 10/20/2005 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 33 | 10/31/2005 | 14:00 | Hearing: Evidentiary-dismiss | 1 | Event held as scheduled |
| 34 | 01/03/2006 | 08:50 | TRIAL: by jury | 1 | Event canceled not re-scheduled |
| 35 | 01/03/2006 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 36 | 02/01/2006 | 09:00 | Status: Motion review/assignment | 1 | Event held as scheduled |
| 37 | 02/13/2006 | 09:00 | Conference: Status Review | 1 | Event held as scheduled |
| 38 | 04/14/2006 | 09:01 | Status: Review by Session | 1 | Event held as scheduled |
| 39 | 04/25/2006 | 09:00 | Hearing: Misc Matters | 1 | Event held as scheduled |
| 40 | 05/15/2006 | 08:50 | TRIAL: by jury | 1 | Event rescheduled by court prior to date |
| 41 | 08/28/2006 | 08:50 | TRIAL: by jury | 1 | Event rescheduled by court prior to date |
| 42 | 08/28/2006 | 09:01 | Conference: Status Review | 1 | Event held as scheduled |

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|----|------------|-------|---------------------------|---|--|
| 43 | 10/02/2006 | 08:50 | TRIAL: by jury | 1 | Event rescheduled by court prior to date |
| 44 | 10/19/2006 | 09:01 | Conference: Status Review | 1 | Event held as scheduled |
| 45 | 11/01/2006 | 08:50 | TRIAL: by jury | 1 | Event not held--req of Defendant |
| 46 | 12/18/2006 | 08:50 | TRIAL: jury waived | 1 | Trial begins |
| 47 | 12/19/2006 | 08:50 | TRIAL: jury waived | 1 | Trial ends |

Full Docket Entries

90 Docket Entries for Docket: WOCR2003-00546

| Entry Date: | Paper No: | Docket Entry: |
|-------------|-----------|--|
| 04/17/2003 | 1 | Indictment returned |
| 04/23/2003 | | Deft arraigned before Court (McCann,J) |
| 04/23/2003 | | RE Offense 1:Plea of not guilty |
| 04/23/2003 | | RE Offense 2:Plea of not guilty |
| 04/23/2003 | | RE Offense 3:Plea of not guilty |
| 04/23/2003 | | RE Offense 4:Plea of not guilty |
| 04/23/2003 | | Appointment of Counsel James J Kaeding |
| 04/23/2003 | | Legal counsel fee assessed: \$150 |
| 04/23/2003 | | Bail same as District Court (\$2000 Cash/\$20,000 Surety) and same |
| 04/23/2003 | | conditions (including no computer use) |
| 04/23/2003 | 2 | Appearance of Deft's Atty: James J Kaeding |
| 07/14/2003 | | Bail satisfied: \$2,000.00 BB#5668, Surety: Erin Hoose, 2 Hinman St., |
| 07/14/2003 | | #4, Fiskdale, MA / bail returned to surety \$2,000.00 BB#5668 check # |
| 07/14/2003 | | 5177 on 12/19/06 - 40 Chestnut Hill Rd N Oford MA 01537-1103 |
| 03/31/2004 | 3 | Motion by Deft: Motion for Funds to Obtain the services of an expert |
| 03/31/2004 | | Motion (P#3) allowed (Jeffrey A. Locke, Justice). Copies mailed March |
| 03/31/2004 | | 31, 2004 |
| 11/02/2004 | 4 | Motion by Deft: to dismiss Indictments with memorandum & affidavit in |
| 11/02/2004 | 4 | support of |
| 12/21/2004 | 5 | Commonwealth files Opposition to motion to dismiss |
| 12/21/2004 | | Hearing on (P#4) Motion to Dismiss held, matter taken under |
| 12/21/2004 | | advisement (Agnes,J.) |
| 12/24/2004 | | Motion (P#4) Based on testimony regarding what appeared to the Grand |
| 12/24/2004 | | Jury there was ample probable cause - Motion DENIED (Peter W. Agnes, |
| 12/24/2004 | | Jr., Justice). Copies mailed |
| 01/25/2005 | 6 | Motion by Deft: to exclude expert testimony of Christine Barron, MD |
| 01/25/2005 | 6 | and request for a "Daubert/Lanigan" Hearing with affidavit in support |
| 01/25/2005 | 6 | of |
| 01/25/2005 | 7 | Deft files Petition for Certificate to Issue a Subpeona Duces Tecum |
| 01/25/2005 | 7 | Pursuant to MGL c233/13B with affidavit in support of |
| 01/25/2005 | 8 | ORDERED: Certification of Judge of Commonwealth of Massachusetts to |
| 01/25/2005 | 8 | subpoena out of state records in a criminal proceeding (Allowed) |
| 01/25/2005 | 8 | (Signed by Clerk Ford and Judge Fecteau) (Francis R. Fecteau, Justice) |
| 03/10/2005 | | Exhibits to Motion #6 Ordered Impounded by Fecteau, J - (See |

| | | |
|------------|----|--|
| 03/10/2005 | | impounded drawer) |
| 03/10/2005 | 9 | Motion by Commonwealth: Opposition to defendant's motion to exclude |
| 03/10/2005 | 9 | expert testimony of Christine Barron, MD with memorandum in support of |
| 03/16/2005 | | Motion (P#6) denied after hearing (Fecteau, Justice). |
| 03/16/2005 | 10 | MEMORANDUM & ORDER ON DEFENDANT'S MOTION TO EXCLUDE EXPERT |
| | | TESTIMONY |
| 03/16/2005 | 10 | OF CHRISTINE BARRON, MD: (Fecteau,J) (copies sent to DA and Attorney |
| 03/16/2005 | 10 | Kaeding) |
| 04/22/2005 | 11 | Certificate of Judge of Commonwealth of Massachusetts to subpoena out |
| 04/22/2005 | 11 | of state records in a criminal proceeding (McCann, Justice) |
| 04/27/2005 | | Other records from ALS Scan Inc received (located in impounded |
| 04/27/2005 | | cabinet) (counsel may inspect only) |
| 08/31/2005 | 12 | Motion by Deft: to dismiss |
| 08/31/2005 | 13 | Motion by Deft: to compel mandatory discovery |
| 09/12/2005 | 14 | Commonwealth files Opposition and memorandum of law in response to |
| 09/12/2005 | 14 | the defendant's motion to dismiss indictment |
| 09/12/2005 | | Hearing on (P#12) Motion to Dismiss held, matter taken under |
| 09/12/2005 | | advisement (Fishman,J) |
| 09/21/2005 | 15 | Motion by Deft: to Dismiss |
| 10/14/2005 | 16 | Motion by Commonwealth: opposition to defendant's motion to dismiss |
| 10/17/2005 | 17 | MEMORANDUM OF DECISION & ORDER ON DEFENDANT'S MOTION TO |
| | | DISMISS: |
| 10/17/2005 | 17 | DENIED (See Order) Copies sent to DA and Attorney Kaeding 10/21/2005, |
| 10/17/2005 | 17 | (Fishman, Justice) |
| 10/31/2005 | | Re: (P#16) Withdrawn (McIntyre, J) |
| 12/22/2005 | 18 | Kelly Hoose files motion to reconsider (sent to Judge Fishman in |
| 12/22/2005 | 18 | Middlesex Superior Civil -L2 |
| 01/09/2006 | | Motion (P#18) The Court hearing reconsidered the defendant's motion |
| 01/09/2006 | | to dismiss count 1. The motion is Denied (Kenneth Fishman). Copies |
| 01/09/2006 | | mailed to Attorney Kaeding |
| 01/25/2006 | 19 | Ex Parte Motion by Deft: for funds (Allowed) (Fecteau, J) |
| 02/01/2006 | 20 | Deft files Petition for Certificate to secure attendance of |
| 02/01/2006 | 20 | out-of-state witness to testify in criminal prosecution in |
| 02/01/2006 | 20 | Commonwealth, Pursuant to MGL c233/s13B |
| 02/13/2006 | | Motion (P#20) allowed; Subject to the filing of the required |
| 02/13/2006 | | documentation of the defendant (Francis Fecteau, Justice). Copies |
| 02/13/2006 | | mailed 2/15/2006 to DA and Attorney Kaeding |
| 08/28/2006 | 21 | Motion by Deft: To Continue Trial -(ALLOWED)(Fecteau, J) |
| 10/19/2006 | 22 | MOTION by Deft: To continue trial date-Allowed (Francis Fecteau, |
| 10/19/2006 | 22 | Justice) |
| 10/19/2006 | 23 | MOTION by Deft: Ex Parte Motion for funds for travel expenses of |
| 10/19/2006 | 23 | out-of-state witness-Allowed up to \$600.00 (Francis Fecteau, Justice) |
| 12/18/2006 | 24 | Waiver of trial by jury |
| 12/18/2006 | 25 | MOTION by Deft: In Limine for ruling on admissibility of evidence |
| 12/18/2006 | 26 | MOTION by Deft: For required finding of not guilty at the close of |
| 12/18/2006 | 26 | the Commonwealth's case-DENIED (McCann, Justice) |
| 12/18/2006 | 27 | Filed in court: Reporter, exhibits, witnesses |
| 12/19/2006 | 28 | RE Offense 1:Not guilty finding |

| | | |
|------------|----|--|
| 12/19/2006 | 29 | RE Offense 2:Not guilty finding |
| 12/19/2006 | 30 | RE Offense 3:Not guilty finding |
| 12/19/2006 | 31 | RE Offense 4:Not guilty finding |
| 01/04/2007 | 32 | MOTION by Commonwealth: To destruct pornographic photos entered into |
| 01/04/2007 | 32 | evidence at trial-Allowed (John S. McCann, Justice) |
| 01/04/2007 | | EXHIBITS SHREDDED BY A/C BRENNAN |
| 02/26/2007 | | Legal counsel fee paid as a partial payment in the amount of |
| 02/26/2007 | | \$50.00-Worc. Prob. Dept.-Check #6093-Recelpt #51344 (REMAINING |
| 02/26/2007 | | BALANCE OF 100.00 DUE) |
| 03/19/2007 | | Records from ALS Scan Inc destroyed |

Charges

4 Charges for Docket: WOCR2003-00546

| No. | Charge Description: | Indictment: | Status: |
|-----|--------------------------------------|-------------|--------------------|
| 1 | CHILD PORNOGRAPHY, POSSESS c272 s29C | | Not guilty finding |
| 2 | CHILD PORNOGRAPHY, POSSESS c272 s29C | | Not guilty finding |
| 3 | CHILD PORNOGRAPHY, POSSESS c272 s29C | | Not guilty finding |
| 4 | CHILD PORNOGRAPHY, POSSESS c272 s29C | | Not guilty finding |

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