

**UNITED STATES DISTRICT COURT
District of Maine**

UNITED STATES OF AMERICA,)
)
)
v.)
)
RICHARD MAGEE,)
)
Defendant)
)
)

No. 2:13-cr-176-GZS

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on September 8, 2014, his Recommended Decision (ECF No. 220). Defendant filed his Objection to the Recommended Decision (ECF No. 223) on September 25, 2014. The Government filed its Response to Defendant's Objection to the Recommended Decision (ECF No. 227) on October 14, 2014.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant's Motion to Suppress (ECF No. 122) is **GRANTED** with respect to the search of the Defendant's automobile and person on October 4, 2013 and otherwise **DENIED**.

3. It is hereby **ORDERED** that Defendant's Supplemental Motions to Suppress (ECF Nos. 150 and 151) are hereby **DENIED**.
4. It is hereby **ORDERED** that Defendant's Motion to Sever (ECF No. 124) and Defendant's Motion for a Bill of Particulars (ECF No. 128) are **DENIED**.
5. It is hereby **ORDERED** that Defendant's Motion to Exclude (ECF No. 127) is **DENIED** in part insofar as it seeks the exclusion of the Lamontagne testimony and the Motion is **MOOT** in part insofar as it seeks a hearing and an order for a turnover of documents.

/s/George Z. Singal

U.S. District Judge

Dated this 20th day of October, 2014.

Defendant (1)

RICHARD MAGEE

represented by **GAIL M. LATOUF**
LAW OFFICES OF GAIL M.
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LEAD ATTORNEY
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Designation: CJA Appointment

Pending Counts

FELON IN POSSESSION OF A
FIREARM 18:922(g)(1) and
924(a)(2)
(1s)

DISTRIBUTION OF COCAINE
21:841(a)(1)
(2s-3s)

DISTRIBUTION OF COCAINE
21:841(a)(1)

Disposition

(5s-8s)

USE OF A COMMUNICATION
FACILITY IN A DRUG CRIME

21:843(b)

(10s-16s)

POSSESSION WITH INTENT TO
DISTRIBUTE COCAINE

21:841(a)(1)

(18s)

TAMPERING WITH A WITNESS

18:1512(b)(1)

(19s)

CONSPIRACY TO TAMPER WITH
A WITNESS 18:1512(k) and 1512(b)

(20s)

Highest Offense Level (Opening)

Felony

Terminated Counts

FELON IN POSSESSION OF A
FIREARM, 18:922(g)(1) and

924(a)(2)

(1)

Disposition

**Highest Offense Level
(Terminated)**

Felony

Complaints

COUNT 1 - FELON IN
POSSESSION OF A FIREARM,
18:922(g)(1) AND 924(a)(2).

Disposition

Plaintiff

USA

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