

STATE OF MAINE
CUMBERLAND, SS.

UNIFIED CRIMINAL DOCKET
LOCATION: PORTLAND
Docket No.: CUMCD-CR-22-845

STATE OF MAINE,)	
Plaintiff)	
)	
v.)	MOTION FOR POST-INDICTMENT
)	HARNISH HEARING
)	
BRUCE RAMSEY,)	(FILED VIA SHAREFILE)
Defendant)	

NOW COMES Mr. Ramsey by and through his attorney, David J. Bobrow, with the this Motion for a Post-Indictment Harnish hearing particularly stated as follows:

- (1) This matter is currently before the Court on the Government's charge of Gross Sexual Assault, Class A.
- (2) Gross Sexual Assault is a previously capital offense. See *Harnish v. State*, 531 A.2d 1264, n. 1. (Me. 1987).
- (3) Although Mr. Ramsey was previously granted bail, this bail was subsequently revoked following a hearing on February 15, 2024, Cashman J. Undersigned counsel advised this request would be forthcoming.
- (4) In *Harnish*, the Law Court clarified that justices of the Superior Court have followed a practice of independently evaluating the case against an indictee to determine whether the proof was evident or the presumption great, to justify holding him for trial without bail. *Id. at 1267*. The Law Court further noted that Professor and later Justice, Harry Glassman's comments on M.R.Crim.P. 46(a) originally adopted effective Dec. 1, 1965, reflect his understanding that such an indictment does not automatically defeat the indictee's constitutional right to pretrial bail:

[Article I, section 10] is not an absolute prohibition upon admission to bail prior to the conviction of a defendant charged with a "capital offense." Certainly, however, before admitting such a defendant to bail the court would have to evaluate the case against the defendant and conclude that the proof was not evident nor the presumption great.

Id. at fn.7.

- (5) Mr. Ramsey has not waived post-indictment probable cause and seeks a recorded testimonial in-person hearing for independent verification of this Court for the existence of whether probable cause exists to justify denying him bail pending trial. See *Id. at 1268* (“While grand jury proceedings are closed to the accused, the pretrial bail proceeding gives him an opportunity to know and rebut the case against him. That opportunity both comports with our developing concepts of fundamental fairness and also enables the bail justice to evaluate probable cause more accurately.”)
- (6) For purposes of protected dates, Mr. Ramsey seeks to have this matter set on any of the following dates and times: February 23, 2024 at any time except 11-Noon (scheduled for United States v. Robbins pretrial matter), February 26, 2024, March 6, 2024 (trial break in United States v. Robbins), or any date from March 7-21 at 3:00 P.M. (jury is discharged each day at 2:45 P.M.)
- (7) This Motion has been filed via sharefile.

WHEREFORE the Defendant respectfully requests that this Honorable Court schedule the Harnish hearing together with any and all other relief that this honorable Court deems fit and just.

RESPECTFULLY SUBMITTED:
BRUCE RAMSEY
By His Attorney
DAVID J. BOBROW, Bar No. 9164
P.O. Box 366
9 Bradstreet Lane
Eliot, Maine 03903
(207) 439-4502

Date: 02/15/2024

/s/David J. Bobrow
David J. Bobrow, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this date I mailed a copy of this Motion to Grant Whelan, Esq.

Date: 02/15/2024

/s/David J. Bobrow
David J. Bobrow, Esq.

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LOCATION: PORTLAND
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STATE OF MAINE,)
 Plaintiff)
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v.)
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BRUCE RAMSEY,)
 Defendant)

ORDER ON MOTION FOR POST-INDICTMENT
HARNISH HEARING

(FILED VIA SHAREFILE)

The Motion to Schedule the Harnish hearing is: GRANTED

and shall be in person on _____.

Date

Deborah Cashman, Justice
UNIFIED CRIMINAL DOCKET