



WINDHAM POLICE DEPARTMENT

375 Gray Road, Windham, Maine 04062 • (207) 892-2525

Kevin L. Schofield
Chief of Police
Lt. James C. Boudreau
Executive Officer

MEMORANDUM

To: Tony Plante, Town manager
From: Kevin L. Schofield, Chief of Police
Subject: Vehicle Seizure
Date: September 16, 2016

A handwritten signature in black ink, appearing to read "KLS", is written over the "From:" line of the memorandum.

Tony to follow up on our discussion about the vehicle seizure the police department was recently awarded in the case of State V. Pamela Kilmartin Docket # 15-4379. The defendant was arrested and convicted subsequent to an investigation by officer Lee Maher for the crime of furnishing a schedule W drug namely crack cocaine.

As a part of the adjudication of this case, the court has ordered the transfer of this vehicle to the Town if we so choose to accept it, if we do not accept it, the car will be transferred to the general fund of the State of Maine. The car in question is a 2002 BMW 525i sedan. The car is in fair condition with approximate 150,000 miles on it. My research on Kelly Blue Book indicates the car to be worth \$2,000 to \$3,000. I have not spent any time or funds researching what costs would be incurred to make the vehicle road ready, however I am certain there would be some, and with the age and high mileage of the car I would not recommend investing money or time into it.

My recommendation if we chose to accept ownership would be to auction the vehicle off as is, receive revenue from it and place those funds into the Towns state forfeited assets account to assist in future needs of the department.



*OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY*

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine 04101
147 New Meadows Road, West Bath, Maine 04530

Portland
(207) 871-8384

Bath
(207) 443-5104

May 6, 2016

Chief of Police
Windham Police Department
Windham Maine 04062

RE: State of Maine v. Pamela Kilmartin and one 2002 BMW WBADT43472GY42081

Dear Chief:

Enclosed please find a Town of Windham approval form for the submission to the Board of Selectmen, Town Manager or other Municipal Officer. Please inform the board and/or Town Official that:

1. M.R.S.A. §5826(8) requires that, before any forfeitable item may be transferred to a town, the governing body of that town must approve the transfer; and
2. M.R.S.A. §5826(8) allows a Municipal Officer to approve the transfer of the forfeited assets, rather than submit the approval to the entire Board of Selectmen; and
3. Pursuant to the Forfeiture Statute, if the governing body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

After the form is signed by the appropriate official, please file it with the court and send me a signed copy.

Thank you for your attention to this matter.

Sincerely,


Tracy J. Gorham, ADA

Enclosure

STATE OF MAINE
CUMBERLAND, ss.

Unified Criminal Court
CRIMINAL ACTION
DOCKET NO. 15-4379

STATE OF MAINE

V.

Town of Windham
Approval of Transfer

15 M.R.S.A §5824(3) and §5826(6)

PAMELA KILMARTIN

Defendant

And one 2002 BMW, In rem No. 1

NOW COMES the Town of Windham, Maine, by and through its legislative body, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant In Rem, or any portion thereof, on the grounds that the Town of Windham Police Department did make a substantial contribution to the investigation of this criminal case.

WHEREFORE, the Town of Windham does hereby approve of the transfer of the Defendant In Rem, or any portion thereof, to the town of Windham, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/ Town Manager/Mayor

(Impress Town Seal Here)