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Senator Anne Carney
Representative Matt Moonen
Committee on Judiciary
100 State House Station, Room 438
Augusta, ME 04333

RE: LD 363 -- An Act to Expand the Jurisdiction of the Sentence Review Panel of the Supreme Judicial Court

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary,

MACDL supports LD 363.

As it stands now, a person can be sentenced to a massive misdemeanor sentence by a judge, that sentence could be unfair by everyone's account, and yet there can be no review of that sentencing decision. Only felony convictions are reviewable by the Sentence Review Panel of the Supreme Judicial Court as it stands now, and yet a judge could impose a misdemeanor sentence of 364 days to the county jail for a minor misdemeanor crime, and there would be no right of any appeal or review at all.

This is unfair. The appeals process is an important one because it allows for a review of a sentence and a check on a judge's actions in the critical and life-changing sentencing process. A judge should not be allowed to do whatever she or he wants without any review at all. This bill also allows for review when there is concern about something more than just the term of imprisonment but also the term of probation, fine, or restitution. Imposition of a term of probation and a restriction on the person's liberty is important and should be reviewed, and potentially large fines or restitution that can cause life-long economic hardships should also be reviewable.

Finally, a person seeking a sentencing review should be allowed a stay of execution and bail. This is for the simple reason that a person could very well serve the entirety of a sentence while awaiting a review, that review may well overturn that sentence, and yet the person will have already served the potentially improper sentence before that review is completed. If the sentence appeal process is going to have any merit and importance, it should be with the view that its decisions will actually be meaningful and not cause unnecessary harm to a defendant who is ultimately successful. In cases where the appeal is frivolous, of course, a court is freely allowed to deny any stay of execution or post-conviction bail.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee", enclosed in a thin black rectangular border.

Walter F. McKee
Chair, Legislative Committee