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An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §2138, sub-§11, as enacted by PL 2001, c. 469, §1, is amended to read:

11. Appeal from a court decision to grant or deny a motion for new trial. ~~An aggrieved person may not appeal from the denial of a new trial as a matter of right. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule. The State or the defendant may appeal as a matter of right from a court decision to grant or deny the person~~ defendant a new trial to the Supreme Judicial Court, sitting as the Law Court. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.

SUMMARY

This bill allows the defendant as well as the State to appeal a court decision to grant or deny the defendant a new trial pursuant to a post-judgment conviction motion for DNA analysis.