



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

March 8, 2023

2022-2023 OFFICERS

President
Amber L. Tucker

President-Elect
Jeremy Pratt

Vice President
Matthew D. Morgan

Treasurer
Walter F. McKee

Secretary
Sarah E. Branch

2022-2023 DIRECTORS

Dylan R. Boyd
Andrew Edwards
Devens Hamlen
Scott F. Hess
James Mason
Harris Mattson
Joseph Mekonis
Stacey D. Neumann
Neil Prendergast
Luke S. Rioux
Adam P. Sherman
Adam Swanson
Robert T. Van Horn

EXECUTIVE DIRECTOR

Tina Heather Nadeau

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

RE: LD 748: An Act to Strengthen Due Process Rights of Persons in Law Enforcement Custody

Dear Chair Carney, Chair Moonen, and Honorable Members of the Judiciary Committee:

I am here today on behalf of MACDL to testify in support of LD 748. Thank you to Senator Hickman, Speaker Talbot Ross, and the many co-sponsors of this important bill.

Far too often, when regular people interact with law enforcement officers, they are overwhelmed, confused, and—quite frankly—scared. In those moments, where the awesome power of the State is brought to bear on its citizens, it is vitally important both that people be advised of their constitutional rights *and* that they understand their constitutional rights.

These rights include such bedrock protections as the right to remain silent and the right to an attorney—and for those who are poor, the right to have an attorney appointed to represent them. I know we have all watched enough cop dramas to have memorized the recitation of *Miranda* rights by a grizzled detective, barked at a handcuffed suspect. But these recitations are much more than *pro forma*. They are essential.

If a person does not understand the rights they hold, then they have no idea what they are waiving if they speak or continue engaging with law enforcement without an attorney by their side. As the lawyers in the room are well aware, what good is a right if there is no remedy when that right gets trampled? Rights guaranteed by the Fifth Amendment and Maine's own Constitution deserve protection and people should be entitled to redress when those rights are violated.

Thank you for your consideration, for your attention to this matter, and for allowing me to submit this testimony.

Sincerely,

A handwritten signature in blue ink, reading "Tina Heather Nadeau". The signature is fluid and cursive, with the first name "Tina" being the most prominent.

Tina Heather Nadeau, Esq.
MACDL Executive Director