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

May 8, 2023

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

RE: LD 1771 -- An Act Regarding Speedy Trials

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

MACDL supports LD 1771.

The time has come for Maine to finally have a speedy trial statute. Our courts are helplessly backlogged and without the ability to force speedy trials, there is no way through that backlog. Defendants as it stands now have to wait months, if not truly years, before their cases are finally set for an actual trial, and this is not acceptable.

This bill would first of all establish very short time limits for trials to be held for defendants in custody. These defendants are those most in need of a speedy trial because they are sitting in jail, potentially serving jail time for crimes for which they could be found not guilty. Criminal defense attorneys have seen it happen time and again where their clients have been sitting in jail waiting for their trial, only to be ultimately found not guilty and then immediately released, having served many months and sometimes even years, for a trial where they were found not guilty. This is profoundly unfair, wrong, and this bill would be a start to remedying that situation.

For defendants not in custody, there are also established time limits, albeit somewhat longer, but which would force a trial to take place sooner rather than later. For a defendant charged with a felony crime, a trial must commence within 270 days from arraignment or first appearance, and for a misdemeanor, a defendant's trial must take place within 60 days from arraignment or first appearance. These are tight, solid timelines and would ensure that a defendant would not have hanging over their head for an excessive period of time the prospect that they have a criminal charge pending against them.

There are various exclusions for time periods, and these exclusions are appropriate. A delay resulting from a continuance granted that the defense requests is certainly a reasonable exclusion, as is a delay resulting from an interlocutory appeal, transfer of the case to another county, and other miscellaneous reasons. Importantly, if the prosecution moves to dismiss the charge and then just files the charge again at a later time, the refileing does not reset or extend the original time.

Finally, and most importantly, if the trial does not take place within the time limit, the court must dismiss the case, with prejudice. This important, critical remedy makes sure that this speedy trial statute would actually have some teeth and force a trial to take place or for there to be a dismissal. Without this remedy, this bill would really have no effect, and MACDL strongly encourages this Committee to under all circumstances retain this portion of the bill without modification or adjustment.

For those concerned about how this would press the court system, that is not unreasonable. The statute would not take effect until January 1, 2024, so the Judicial Branch would have plenty of time to make the necessary changes within the Branch and the court dockets to accommodate this statute.

This bill is an important, if not critical, step in getting our courts back on track. Even before the pandemic, there were unnecessary delays, and defendants sat in jail or had significant charges hanging over their head for an excessive period of time. The pandemic only made everything worse, to the point that there are thousands upon thousands of cases that have still not yet been resolved and are now many years old. Something has to change, and this bill would do it.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Walter F. McKee
Chair, Legislative Committee