

Testimony in Support of HP 112, LD 179 An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release

Dear Maine State Legislature,

This letter/testimonial is in support of HP 112, LD 179 An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release.

During August of 2015, I was arrested in Belfast, Maine for the Class E Crime of Violation of Condition of Release. From Belfast, there was a taxpayer expense of shipping me across the Waldo, Knox, Lincoln County tri-county area to the Wiscasset, Maine Two Bridges Jail where I was a pre-trial detainee for about three days. I was placed in Unit R6 in the 16-hour lockdown, which means no access to hot drinking water for 16 hours daily. I was severely dehydrated. I witnessed one inmate run into another inmate's jail cell during the afternoon. I was forced to listen to an inmate being anally gross sexually assaulted (GSA) during the afternoon hours during the eight-hour period during the daytime hours when we were not in lockdown. First were the screams for Help. Then the screams of the word, "Rape." Then, muzzled screaming. The staff pretended to hear nothing. I was called racially explicit slurs, and I was also threatened with anal gross sexual assault (GSA).

It is a crime to fail to report sexual assault of a person in custody under MRSA Title 17-A § 760. I watched staff at Two Bridges Jail in Wiscasset, Maine ignore and fail to report a sexual assault occurring in Unit R6 during 2015 whom I can name individually.

Under MRSA Title 17-A § 707-A, a medical doctor at Two Bridges Jail threatened to falsify my medical records and force drug me if I did not plead guilty. After three days of Hell as a pre-trial detainee in Two Bridges Jail, I paid \$500 to pay my bail based on the 2015 Belfast arrest for the Class E Crime of Violation of Condition of Release. Being bailed, I was in Wiscasset, far away from where I live and counties away from where I was arrested.

During 2016, the criminal charge of the Class E Crime of Violation of Condition of Release stemming from my racially-motivated false arrest in Belfast, Maine was dismissed. Despite the Belfast case being dismissed, the court never returned the \$500 bail to me, but instead applied it to the costs of my court-appointed counsel. Therefore, the Crime of Violation of Condition of Release was a financial burden on me in the amount of \$500, plus having to relive listening to a jail anal GSA of an inmate in Wiscasset, Maine.

The Class E Crime of Violation of Condition of Release places a tremendous strain on court-appointed attorneys in Maine, exacerbating the shortage for Maine indigent defense counsel. The conditions of release are often void for vagueness, ambiguous, or constitutionally confusing. The Crime of Violation of Condition of Release is expensive and financially burdensome to the State of Maine. Please eliminate the Class E Crime of Violation of Condition of Release. Ted Berry, JD, CHC of Maine Wed, January 29, 2025