



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

2024-2025 OFFICERS

April 14, 2025

President
Jeremy Pratt

Senator Carney
Representative Kuhn
5 State House Station, Room 436
Augusta, ME 04333

President-Elect
Matthew D. Morgan

Vice President
Sarah E. Branch

RE: LD 1427: “An Act Extending the Statute of Limitations on Criminal Actions Involving Aggravated Sex Trafficking.”

Secretary
Luke Rioux

Treasurer
Justin Andrus

Dear Senator Carney, Representative Kuhn and members of the Judiciary Committee:

2024-2025 DIRECTORS

MACDL **opposes** LD 1427 “An Act Extending the Statute of Limitations on Criminal Actions Involving Aggravated Sex Trafficking.”

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Statutes of limitations are a necessary and critical component of a fair criminal justice system. In *United States v. Marion*, the U.S. Supreme Court noted that “[p]assage of time, whether before or after arrest, may impair memories, cause evidence to be lost, deprive the defendant of witnesses, and otherwise interfere with his ability to defend himself.” *United States v. Marion*, 404 U.S. 307, 321, 92 S. Ct. 455, 464, 30 L. Ed. 2d 468 (1971). It went on to note that statutes of limitations “provide predictability by specifying a limit beyond which there is an irrebuttable presumption that a defendant’s right to a fair trial would be prejudiced.” *Id.*

EXECUTIVE DIRECTOR

Tina Heather Nadeau

LD 1427 seeks to extend the statute of limitations for Class A and B Aggravated Sex Trafficking crimes from 6 to 20 years. This effectively obliterates an accused’s right to a fair trial by setting the irrebuttable presumption of prejudice two decades after the alleged crime. Over the course of twenty years nearly all documentary evidence of innocence will be lost as most record retention requirements are only for 6 years. Memories of witnesses will invariably fade and many witnesses will die. Physical evidence will be lost or destroyed. In short, all corroborating evidence of innocence will be lost and the accused will have no right to a fair trial.

The right to a fair trial is not some meaningless platitude. A fair trial is the only means by which we can convict people of serious crimes and deprive them of their liberty with any conscience that an innocent man does not sit behind bars. LD 1427 will deprive Maine citizens of this important right.

For all these reasons, MACDL opposes LD 1427.

Thank you.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President Elect