

Honorable Members of the Judiciary Committee, Sponsor Senator Carney, Cosponsors Senators Bennett, Duson, Representatives Moonen and Sinclair,

My name is Richard Stahursky and I'm writing this testimony in support of LD 2059. I was sentenced to life in Maine in 2015. On paper my sentence is 9999 years. I support this bill because I believe that Maine needs a robust public defense system which is currently missing in this state. When I was sentenced in 2015, Maine didn't have a Public Defender's Office and was relying on a rooster of private attorneys to take indigent people's cases. I was assigned such an attorney that proved to work against my best interests instead of working to obtain the best sentence for me. My court appointed attorney at that time Philip Cohen was also suspended from practicing law after being found guilty of an incident stemming a domestic violence incident involving his former spouse. Cohen failed to disclose to me why he had been suspended and couldn't be in court for me, instead he appointed Michele Hallowell another attorney in his law firm to take over. Ms. Hallowell specialized in Maritime law and had no experience in criminal law representation. Mr. Cohen pressured me to plead guilty and take a plea deal when instead I repeatedly asked him I wanted to go to trial and plead not guilty. Ms. Cohen allowed me to read an incendiary letter in front of the judge which hurt my case, instead he should have not allowed me to do that because it was against my own best interest in the case. Mr. Cohen passed away without filing for an appeal to have me resentenced.

Throughout Maine we have seen the crisis that the State is facing in fulfilling its constitutional duty to provide attorneys to indigent defendants who cannot afford to pay for a private attorney. Gideon v. Wainwright highlights that indigent defendants should be appointed a lawyer at the State's expense. The 6<sup>th</sup> Amendment and the 14<sup>th</sup> Amendment of the United States Constitution provide for these rights for both state and federal criminal cases. Not only are these amendments meant to protect our rights as indigent defendants but they also underscore that legal representation should be effective.

Despite the inception of the Maine Commission on Public Defense Services, the issue remains severe. The Commission on Public Defense lacks the tools to make a difference and to remedy the errors in cases like mine. Such errors cause immense suffering for families of defendants and undermine public trust in the justice system. My fiancée, who currently resides in Europe, for example cannot afford to pay for a private attorney for me and I don't have family that can. The cost of inefficient justice is paid in society by those most vulnerable. The size of a person's wallet should not determine their outcome in a court of law. If the law is the same for everyone regardless of income, we would not see such disparities in defendants' sentences. I support this legislation even though it doesn't apply to the county I was sentenced in because I believe in efficient, equal and professional legal representation for everyone accused of a crime. No one in Maine should have to settle for less quality legal representation because they cannot afford better representation. No one in Maine should feel pressured to plead guilty and take a plea deal like I did because their attorney doesn't want to fully represent them. Everyone, no matter the crime they committed, deserves a second chance. Maine is furthermore failing those that are convicted and then are left to fend for themselves in figuring out how to appeal their sentence. If the appeal isn't filed within 21 days like in my case, it gets dismissed by the court and it further leaves defendants in limbo. Currently, Maine doesn't have any early release paths because parole doesn't exist nor does mandatory resentencing for those that have served years in prison. Maine is the only State in the country without a fully funded Public Defense system. This bill could help in improving it. I urge you to please vote Yes.

Thank you for your time.

Sincerely,

Richard Stahursky (Maine prisoner serving Maine sentences in New Jersey)