

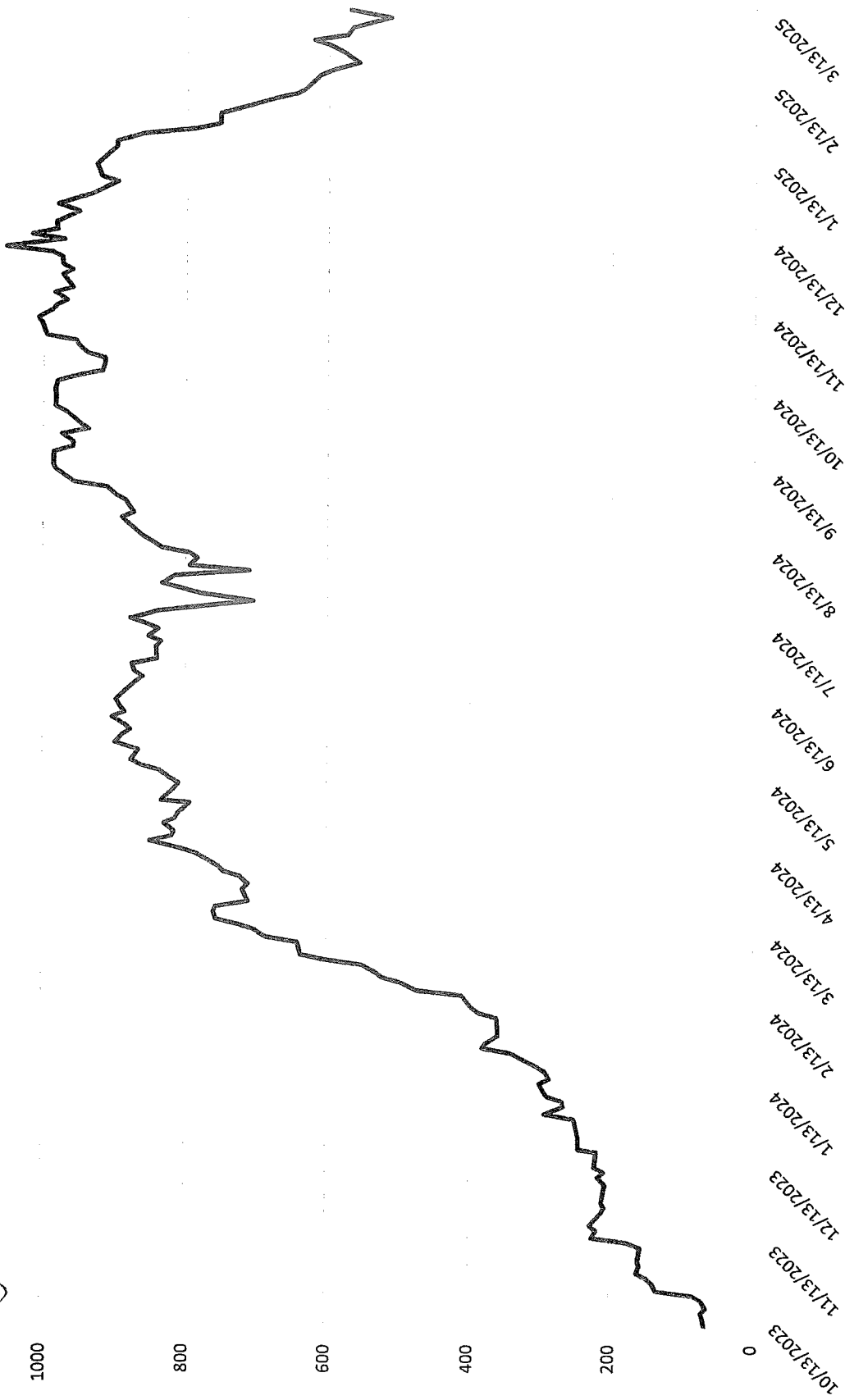
PUBLIC DEFENSE SERVICES

LD 1101

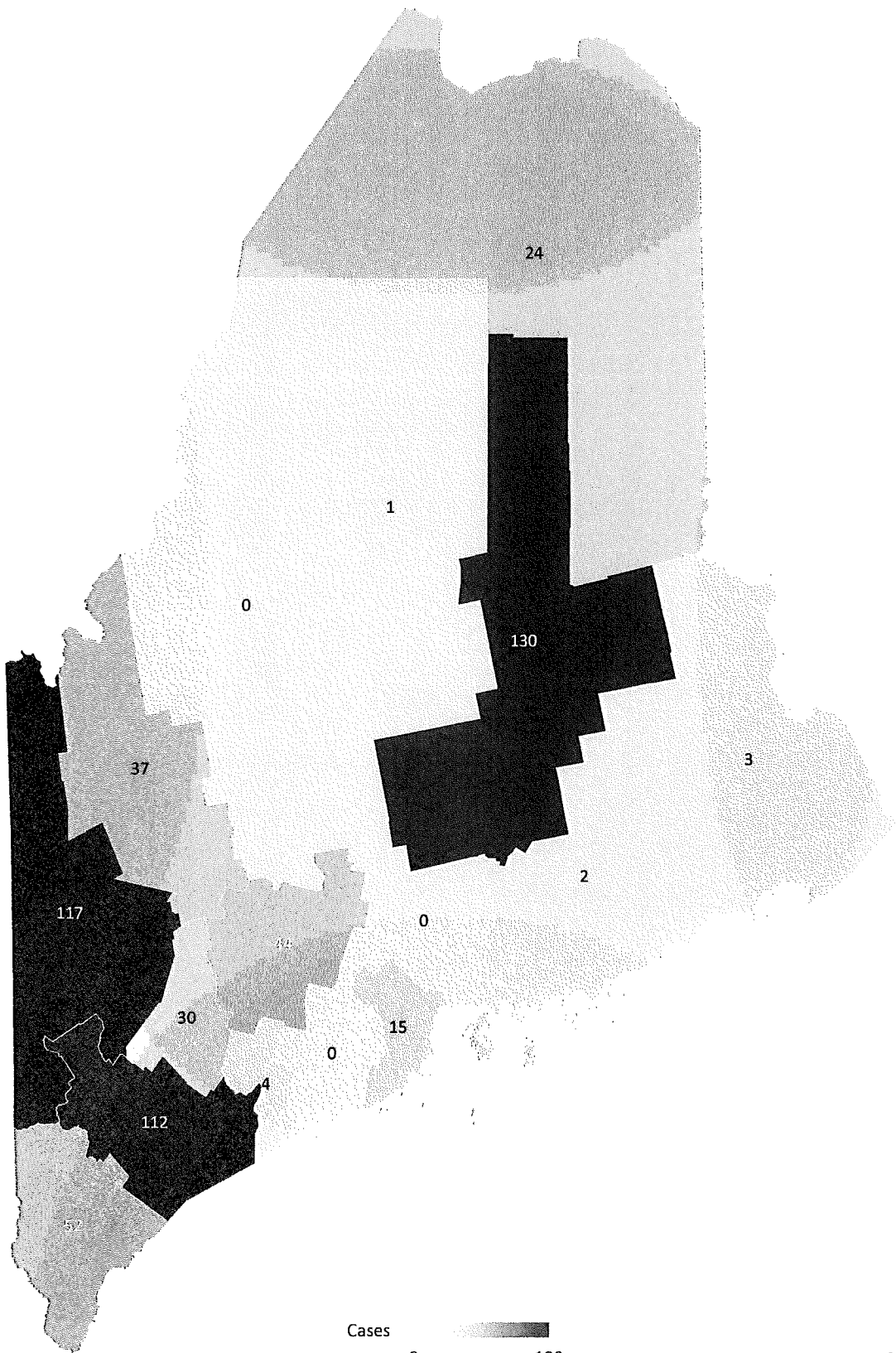
1200

Jim Williams

Unstaffed Criminal Cases Over Time



Unstaffed Criminal Cases by County 03/17/2025



Cases 0 130

Unstaffed Criminal Cases by County

	8/2/2024	9/4/2024	10/2/2024	11/1/2024	12/2/2024	1/3/2025	2/4/2025	2/5/2025	3/3/2025	3/17/2025
Androscoggin	102	88	106	138	112	115	84	84	51	30
Aroostook	103	95	97	107	114	84	63	67	26	24
Cumberland	123	128	156	140	150	138	92	88	90	112
Franklin	25	28	52	56	71	58	64	62	37	37
Hancock	0	1	1	0	0	3	3	2	2	2
Kennebec	5	11	12	0	2	1	0	0	13	44
Knox	77	82	96	72	60	38	38	38	27	15
Lincoln	1			0	0	0	0	0	0	0
Oxford	34	52	69	87	76	109	79	80	102	117
Penobscot	271	287	256	271	313	316	242	1	199	130
Piscataquis	2	1	1	0	0	0	1	1	1	1
Sagadahoc	4	3	3	3	2	2	1	0	1	4
Somerset	0			0	0	0	2	1	2	0
Waldo	0			0	0	16	0	0	0	0
Washington	0			0	2	0	3	3	3	3
York	81	103	87	64	69	52	56	54	41	52
Docket No. Incorrect	7	5	1			2	25	26	3	0

Total	571
PD office	388
No PD office	183

Specialized Case Type Cheat Sheet:

Other Misdemeanor Offenses (Non-Exhaustive List) – No experience required

Other Misdemeanors are all misdemeanors which are not domestic violence or OUI offenses.

Examples include:

- Theft
- Criminal Trespass
- Operating Without a License
- Operating after Suspension
- Operating after Revocation
- Assault
- Terrorizing
- Criminal Threatening
- Criminal Mischief
- Reckless Conduct
- Driving to Endanger
- Falsification
- Possession of a Firearm by a Prohibited Person
- Probation Violation (regardless of what the underlying conviction was).

Other Felony Offenses (Non-Exhaustive List) - No experience required

Other Felonies are all felonies which are not covered by a specialized case type. Examples include:

- Burglary (unless it is with a firearm, dangerous weapon, or intent to commit bodily harm; those are major felony offenses)
- Aggravated Criminal Trespass
- Theft
- Fraud
- Forgery
- Destruction of Property
- Assault on an Officer
- Operating after Revocation
- Possession of a Firearm by a Prohibited Person
- Terrorizing
- Assault with Priors
- Criminal Threatening
- Perjury

- Tampering with a Witness
- Aggravated Criminal Mischief
- Aggravated Reckless Conduct
- Probation Violation (regardless of what the underlying conviction was).

Homicide Offenses – 5 years experience

- Murder § 201
- Felony Murder § 202
- Manslaughter § 203
- Attempted Murder § 152
- Aggravated Attempted Murder § 152-A
- OUI Causing Death 29-A M.R.S.A. § 2411(1-A)(D)(1-A)

Major Felony Offenses – 2 years experience

- Aggravated Assault § 208
- Domestic Violence Aggravated Assault § 208-D
- Elevated Aggravated Assault § 208-B
- Elevated Aggravated Assault on a Pregnant Person § 208-C
- Kidnapping § 301
- Burglary with a Firearm § 401(1)(b)(1)
- Burglary with Intent to Inflict Bodily Harm § 401(1)(b)(2)
- Burglary with a Dangerous Weapon § 401(1)(b)(3)
- Robbery § 651
- Arson § 802
- Causing a Catastrophe § 803-A
- Aggravated Trafficking of Scheduled Drugs § 1105-A
- Aggravated Trafficking of Counterfeit Drugs § 1105-B
- Aggravated Furnishing of Scheduled Drugs § 1105-C

Sex Offenses – 3 years experience

- Gross Sexual Assault § 253
- Sexual Abuse of Minors § 254
- Unlawful Sexual Contact § 255-A
- Visual Sexual Aggression Against a Child § 256
- Sexual Misconduct with a Child Under 14 Years of Age § 258
- Solicitation of A Child to Commit a Prohibited Act § 259-A

- Solicitation of Child for Commercial Sexual Exploitation § 259-B
- Unlawful Sexual Touching § 260
- Sexual Exploitation of Minor § 282
- Dissemination of Sexually Explicit Material § 283
- Possession of Sexually Explicit Material § 284
- Incest § 556
- Violation of Privacy § 511(1)(D)
- Aggravated Sex Trafficking § 852
- Patronizing Prostitution of Minor or Person with Mental Disability § 855

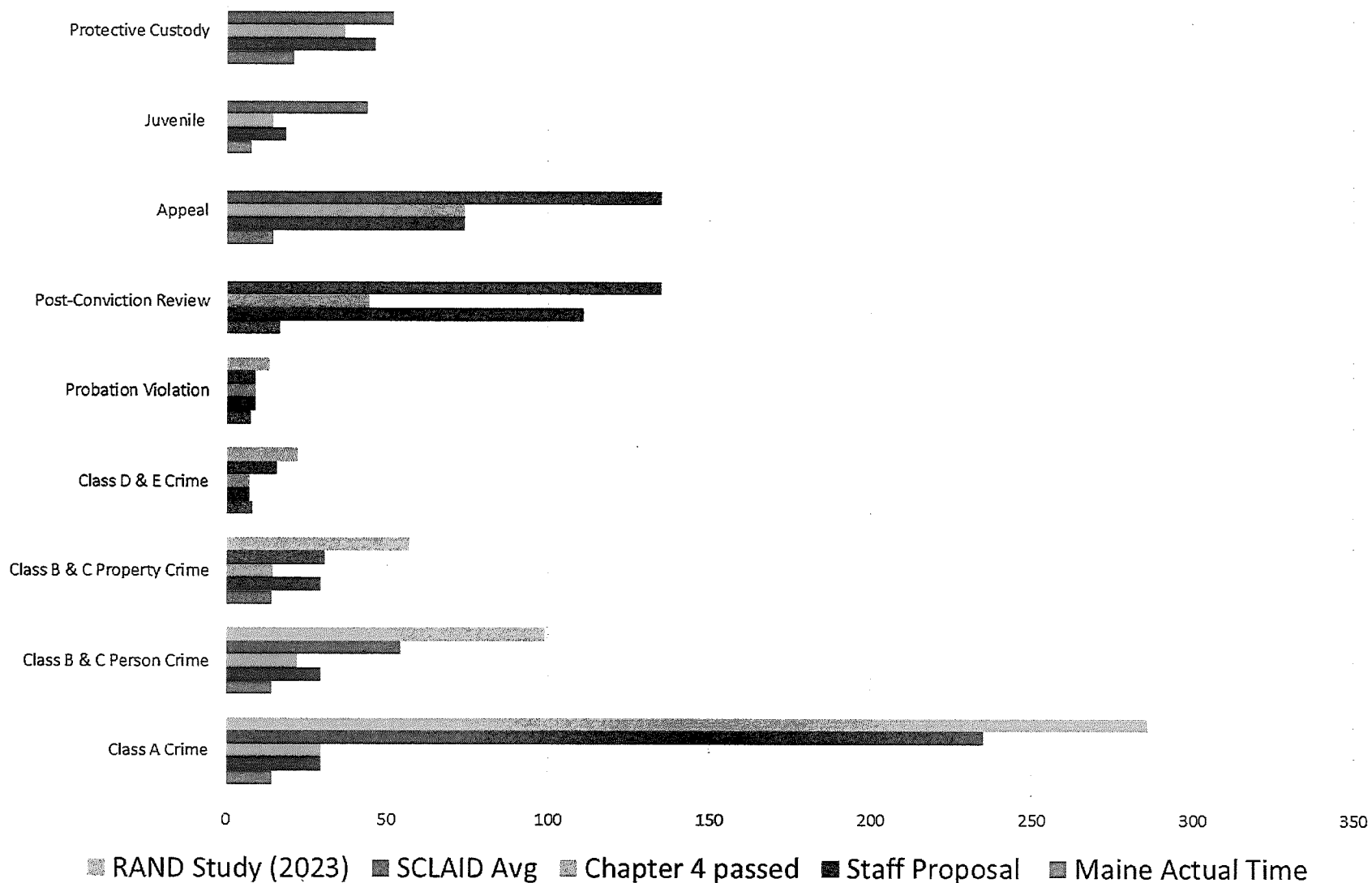
Domestic Violence Offenses – 1 year experience

- Stalking § 210-A
- Violation of a Protection Order § 506-B
- Stalking § 210-A
- Domestic Violence Aggravated Assault § 208-D
- Domestic Violence Assault § 207-A
- Domestic Violence Criminal Threatening §209-A
- Domestic Violence Terrorizing § 210-B
- Domestic Violence Stalking § 210-C
- Domestic Violence Reckless Conduct § 211-A

OUI Offenses - 1 year experience

- All offenses under 29-A M.R.S.A. § 2411

Expected hours to be spent on cases by type





CAPITAL REGION PUBLIC DEFENDERS

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District Defender

ANDREW DAWSON
HILLARY KNIGHT
DANIEL LAWSON
MATTHEW FORTIN
RJ PETTIS
Assistant Defenders

Dear Chairs Carney and Kuhn and members of the Committee on Judiciary:

I am writing neither for nor against An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting Their Fundamental Rights, LD 1101. This bill would permit attorneys appointed by the Court to be compensated by the Maine Commission on Public Defense Services (PDS) and it appropriates funds and allocates them to PDS to create additional positions to address the critical shortage of attorneys in Maine. Both of these tools are intended to provide attorneys to individuals deemed indigent and entitled to representation under the 6th Amendment to the Constitution.

I am writing against the recent proposed amendment from the Governor's Office that would attempt to remove our positions from their status as State employees working under a Collective Bargaining Agreement and make them Confidential Employees with at-will status. All this without notifying any of these employees about the proposed changes and without engaging in the appropriate bargaining process if such a change is required. What is gained by removing these positions from their current position and making them subject to a political process with an inherent conflict of interest? Our attorneys routinely take unpopular positions in opposition to other Executive Branch attorneys. Subjecting them to potential discipline for doing their jobs is inappropriate and chills the vigorous defense that we are required to provide to our clients. Furthermore, it would prevent PDS from ever awarding employees raises by setting compensation and statutorily prohibiting any further increases in funding requests to be made to the legislature, now and in the future. This would also prevent the creation of new positions or offices.

The amendment goes on to proscribe the process by which standards for counsel and caseloads would be created and specifically excludes national standards, best practices, and consideration of other organizations from other States. It also conflates case limits and caseloads. Currently there is a case limit for contract counsel and if they wish to take cases beyond that limit, they can apply for a waiver. As the public defender offices get up and running, we are analyzing our capacity and creating caseload standards that are appropriate for our offices, which are different than any other practice currently in Maine. Using the rostered counsel case *limits* as a required case *load* standard for employed public defenders would inundate our offices with cases and prevent us from effectively providing quality, ethical representation. This places us at risk of sacrificing either our employment or the ethical requirements of the Board of Bar Overseers.

This amendment would destroy the Public Defender Offices by removing employment protections, worsening working conditions, overloading the attorneys, compromising ethical requirements of competence and leading us to quit or become totally ineffective.

Thank You,
Frayla Tarpinian