



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

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Representative Charlotte Warren
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 801 An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment

Dear Senator Deschambault, Representative Warren, and Members of the Criminal Justice and Public Safety Committee:

MACDL supports LD 801.

For sentences in criminal cases to be just they must be individualized to the facts of the particular case and to the particular defendant. In order for sentences to be individualized judges must have discretion to impose a wide range of potential sentences.

The fairest results come when the court has the widest range of options. LD 801 gives a judge discretion and allows a judge to individualize sentences. It effectively unties a judge's hand.

This is uniquely important in cases where a new crime takes place and an individual is already serving a sentence for another crime. These cases are very slow moving and, generally, take far longer to reach their conclusion than a case that does not originate in a correctional facility. I am a practicing criminal defense attorney in Knox County which is the home of the Maine State Prison.

Take, for example, a case I currently have. My client is alleged to have committed a crime while in execution of a sentence at the Maine State Prison in December 2018. New criminal charges were brought in May of 2020. The case remains pending as of April 2021. This individual is no longer at the Maine State Prison and has not been for almost two years. He has a family, a job, and he is doing great. The point I am trying to make is that his circumstances are unique and may well warrant a probated sentence which is not currently allowed under the law.

One to two times a year, I see unique cases where there is an unjust result from the current law which LD 801 would fix. It is not the majority of cases, it is a small number of cases, but the goal should be for a just result in all cases and not simply in the majority of cases.

LD 801 does not prohibit the courts from imposing any sentence, it merely allows a court to exercise its discretion, which it already does in the vast majority of criminal cases.

Thank you for your consideration.

Sincerely,
/s/ Jeremy Pratt
MACDL Vice-President