

CHAPTER 306-A

SUPREME JUDICIAL COURT SENTENCE REVIEW

§2151. Application to the Supreme Judicial Court by defendant for review of certain sentences

In cases arising in the District Court or the Superior Court in which a defendant has been convicted of a criminal offense and sentenced to a term of imprisonment of one year or more, the defendant may apply to the Supreme Judicial Court, sitting as the Law Court, for review of the sentence, except: [PL 1997, c. 354, §1 (AMD).]

1. Different term could not be imposed. In any case in which a different term of imprisonment could not have been imposed; [PL 1999, c. 731, Pt. ZZZ, §23 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

2. Plea agreements. In any case in which the particular disposition involving imprisonment was imposed as a result of a court accepting a recommendation of the type specified in the Maine Rules of Unified Criminal Procedure, Rule 11A, subsection (a)(2) or (a)(4); or [PL 2015, c. 431, §26 (AMD).]

3. Restitution. As limited by Title 17-A, section 2017. [PL 2019, c. 113, Pt. C, §42 (AMD).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW). PL 1997, c. 354, §1 (AMD). PL 1999, c. 731, §§ZZZ23,24 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2015, c. 431, §26 (AMD). PL 2019, c. 113, Pt. C, §42 (AMD).

§2152. Sentence Review Panel of the Supreme Judicial Court

There shall be a Sentence Review Panel of the Supreme Judicial Court to consider applications for leave to appeal from sentence, and no appeal of the sentence may proceed before the Supreme Judicial Court unless leave to appeal is first granted by the panel. The Sentence Review Panel shall consist of 3 justices of the Supreme Judicial Court to be designated from time to time by the Chief Justice of the Supreme Judicial Court. No justice may sit or act on an appeal from a sentence imposed by that justice. Leave to appeal shall be granted if any one of the 3 panelists votes in favor of granting leave. If leave to appeal is denied, the decision of the panel shall be final and subject to no further review. [PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW).

§2153. Procedure for application

The time for filing an application for leave to appeal and the manner and any conditions for the taking of the appeal shall be as the Supreme Judicial Court shall by rule provide. [PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW).

§2154. Purposes of sentence review by Supreme Judicial Court

The general objectives of sentence review by the Supreme Judicial Court are: [PL 1989, c. 218, §5 (NEW).]

1. Sentence correction. To provide for the correction of sentences imposed without due regard for the sentencing factors set forth in this chapter; [PL 1991, c. 525, §1 (RPR).]

2. Promote respect for law. To promote respect for law by correcting abuses of the sentencing power and by increasing the fairness of the sentencing process; [PL 1989, c. 218, §5 (NEW).]

3. Rehabilitation. To facilitate the possible rehabilitation of an offender by reducing manifest and unwarranted inequalities among the sentences of comparable offenders; and [PL 1989, c. 218, §5 (NEW).]

4. Sentencing criteria. To promote the development and application of criteria for sentencing which are both rational and just. [PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW). PL 1991, c. 525, §1 (AMD).

§2155. Factors to be considered by Supreme Judicial Court

In reviewing a criminal sentence, the Supreme Judicial Court shall consider: [PL 1991, c. 525, §2 (AMD).]

1. Propriety of sentence. The propriety of the sentence, having regard to the nature of the offense, the character of the offender, the protection of the public interest, the effect of the offense on the victim and any other relevant sentencing factors recognized under law; and [PL 1991, c. 525, §2 (AMD).]

2. Manner in which sentence was imposed. The manner in which the sentence was imposed, including the sufficiency and accuracy of the information on which it was based. [PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW). PL 1991, c. 525, §2 (AMD).

§2156. Relief

1. Substitution of sentence or remand.

[PL 1991, c. 525, §3 (RP).]

1-A. Remand. If the Supreme Judicial Court determines that relief should be granted, it must remand the case to the court that imposed the sentence for any further proceedings that could have been conducted prior to the imposition of the sentence under review and for resentencing on the basis of such further proceedings provided that the sentence is not more severe than the sentence appealed. [PL 1991, c. 525, §4 (NEW).]

2. Affirmation of sentence. If the Supreme Judicial Court determines that relief should not be granted, it shall affirm the sentence under review. [PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW). PL 1991, c. 525, §§3,4 (AMD).

§2157. Sentence not stayed nor bail authorized for sentence appeal

1. Execution of sentence not stayed. An appeal under this chapter shall not stay the execution of a sentence. [PL 1989, c. 218, §5 (NEW).]

2. Bail unavailable. Bail has no application to an appeal under this chapter.
[PL 1989, c. 218, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 218, §5 (NEW).

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