

§2128. Waiver of grounds for relief

A person under restraint or impediment specified in section 2124 shall demonstrate that any ground of relief has not been waived. The bases of waiver are as follows. [PL 2011, c. 601, §9 (AMD).]

1. Errors claimable on direct appeal. Errors at the trial that have been or could have been raised on a direct appeal, whether or not such an appeal was taken, may not be raised in an action for post-conviction review under this chapter, except that if the failure of the convicted or adjudicated person to take an appeal or to raise certain issues on appeal is excusable and the errors not appealed may result in reversal of the criminal judgment, the court may order that an appeal be taken as provided in section 2130.

[PL 2011, c. 601, §9 (AMD).]

2. Errors claimable in federal habeas corpus.
[PL 2011, c. 601, §9 (RP).]

3. Waiver of grounds not raised in prior post-conviction review action. All grounds for relief from a criminal judgment or from a post-sentencing proceeding must be raised in a single post-conviction review action and any grounds not so raised are waived unless the Constitution of Maine or the Constitution of the United States otherwise requires or unless the court determines that the ground could not reasonably have been raised in an earlier action.

[PL 2011, c. 601, §9 (AMD).]

4. Prior challenges. A person who has previously challenged a criminal judgment or a post-sentencing proceeding under former Title 14, sections 5502 to 5508 or its predecessors may not challenge the criminal judgment or post-sentencing proceeding by post-conviction review unless the court determines that a ground claimed in the action for post-conviction review could not reasonably have been raised in the earlier action.

[PL 2011, c. 601, §9 (AMD).]

5. Filing deadline for direct impediment.
[PL 2011, c. 601, §9 (RP).]

6. Filing deadline for indirect impediment.
[PL 2011, c. 601, §9 (RP).]

SECTION HISTORY

PL 1979, c. 701, §15 (NEW). PL 1983, c. 235, §6 (AMD). PL 1987, c. 402, §A110 (AMD). PL 1995, c. 286, §4 (AMD). PL 1997, c. 399, §§3,4 (AMD). PL 1997, c. 399, §5 (AFF). PL 2011, c. 601, §9 (AMD).

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