

MAINE STATE LEGISLATURE

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no
Oct. 4, 1943

Harrison C. Greenleaf,
Commissioner
John G. Marshall, Deputy

Institutional Service
Attorney General

In answer to your inquiry of October 1st, about sentence of Justin Francis now serving a sentence in State Prison, it does not seem necessary for me to discuss the validity of the sentence inasmuch as the question asked by you is whether or not the Parole Board has a right to parole this particular prisoner, provided the prisoner is entitled to time off for good behavior.

It is my opinion that the Parole Board has the right to take the record before it and consider that the sentence is properly imposed. There is nothing in the statute which says that the Parole Board has any powers of review or that it could remand the mittimus or the Clerk's certificate for correction of errors, mistakes or irregularities on the part of either the clerk or the court.

Therefore the Parole Board is entitled to take the sentence, which in this case is two to three years, and consider the time off which has been earned by the prisoner for good behavior from the mittimus of two years.

John G. Marshall
Deputy Attorney General

JGM h