

MAINE STATE LEGISLATURE

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May 17, 1945

Hon. Earle L. Russell
Judge Superior Court
County Court House
Skowhegan, Maine

Dear Judge:

I noticed in last night's paper, a statement to the effect that a person whose name I do not recall pleaded guilty before you to three distinct crimes of breaking, entering and larceny.

My impression is that back a few months ago when I discussed with you the various problems that I ran into in connection with the Writs of Error brought in the prison cases, I mentioned the fact that the question was raised whether in a case as above there may be several sentences, or whether the sentence to be imposed is as a common thief and punished accordingly under Section 10, Chapter 119 of the Revised Statutes.

Of course, I do not know what the situation is in the case before you but I thought that I would bring that to your attention for your consideration. You will find a discussion of the question involved with reference to early authorities on the same subject in 22 Pickering (Mass.) 1, Opinion by Chief Justice Shaw. Also see 3 Metcalf (Mass.) 457. I had occasion to examine into it within a year and the conclusion that I reached then, as I recall it, was there could be only one sentence on all of the indictments. At least, that is what the Massachusetts courts have held and, as I remember it, this particular section is similar to the Massachusetts statute on the subject.

Very sincerely yours,

Abraham Breitbard
Deputy Attorney General

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