

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

September 4, 1946

To Harrison C. Greenleaf, Commissioner
Institutional Service

Re: Patrick Desveaux, MSP 7617

Receipt is acknowledged of your memo of September 3rd, advising that the above subject is an inmate of the Maine State Prison, serving a sentence of 4 to 8 years on a charge of breaking, entering and larceny, and another sentence of 1 to 2 years on a charge of escaping from the county jail, both of which were imposed on June 8, 1943, by the same court, without any reference as to whether the same were to run consecutively or concurrently.

In the matter of Breton, Petitioner, 93 Maine 39 at page 42, our Court declared the rule to be as follows:

"All the authorities agree . . . that in the absence of any statute, if it is not stated in either of two sentences imposed at the same time that one of them shall take effect at the expiration of the other, the two periods of time named will run concurrently, and the two punishments be executed simultaneously. Such Mr. Bishop declares to be the rule of the common law. . . and such has been the unquestioned rule of procedure in this state. It is familiar practice that whenever the court imposing several sentences desires to have one begin on the expiration of another, that fact is expressly stated in the sentence; and whenever the court inadvertently fails to have the sentence recorded in that form, or from leniency intentionally omits to add such a provision, and the convict is committed in pursuance of such sentences, he is either voluntarily released by the jailer, or discharged on habeas corpus at the expiration of the longest term named in either of the sentences."

I therefore advise you that under the rule above stated, the sentences imposed on the subject above named would run concurrently and he would be eligible for parole after having served the minimum of the 4 to 8 year sentence.

Abraham Breitbart
Deputy Attorney General

AB:c