

MAINE STATE LEGISLATURE

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January 22, 1947

To Edwin R. Smith, Esquire, County Attorney, Hancock
Re: Pardon Hearings

I have your letter in regard to the petition for commutation of sentence of Guy M. Small, which is scheduled for hearing on February 5th before the Governor and Council. Small is serving a sentence for the murder of Emma Turnbull in 1916.

In connection with this matter I will say that it is your duty as county attorney to appear to oppose the petition for commutation or pardon in case the people in your county so desire, even though you are not requested by the Governor and Council to do so. The Governor and Council in many cases do not like to request the appearance of the county attorney, as it might appear to the petitioners that they were biased, and the county attorney does not usually appear unless requested by the Governor and Council under the provisions of Section 49 of Chapter 136, and that is one of the reasons why the county attorney is given notice in the county where the case is tried.

There is, however, some question in my mind whether, if the Governor and Council do not request you to attend the meeting at which the petition is to be heard, they would allow you your necessary expenses for attending and reasonable compensation for your services, to be paid from the State Treasury.

If you do not have time and inclination to attend this hearing, I would advise Mr. Charles A. Turnbull, son of the murdered woman, to engage counsel to appear for him and his petitioners, as you are not the county attorney who tried the case and you would have to do considerable digging to get all the facts. However, the parole officers from the prison usually investigate these cases before the hearing.

It is not mandatory for you to appear before the Governor and Council unless they request you to attend.

I trust that this answers your question.

Ralph W. Farris
Attorney General

RWF:c