

MAINE STATE LEGISLATURE

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May 8, 1952

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: Lawler Warrants

In response to your memo of April 30, 1952, relative to the Lawler warrants, we are returning those warrants to you with our comments either by way of attached slips of paper or by comments inserted on the warrant itself.

Warrants, like indictments, must be drawn in such a way that the accused shall not be put twice in jeopardy for the same offense. In other words, he should be able, upon a second accusation for the same wrong, to defend himself by claiming that he has already been acquitted or convicted of that offense and to prove the same by putting in evidence the original warrant. For instance, on warrant #2 it is stated that Lawler hunted unlawfully between the hours of one hour after sunset and one half-hour before sunrise. He could be arrested once under this warrant, if it were permitted, and a second warrant stating the offense to be specifically at 8 o'clock in the afternoon of said day would, on its face, be a different offense.

You will note how our amendment to the warrants would correct the matter.

Drawing a warrant or an indictment correctly is an art possessed by too few people. We would recommend that your warrants be drawn by the county attorney in the county in which the offense is committed, as he is the one person who usually has sufficient experience to draw the instrument properly. . .

James G. Frost
Deputy Attorney General

jgf/c