

MAINE STATE LEGISLATURE

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April 18, 1958

To Sgt. Ralph E. Hanson, Traffic & Safety, State Police
Re: Warrant and Demurrer, Driving to Endanger

We have your memorandum containing a copy of a warrant issued by a trial justice in York County, a demurrer to the complaint and warrant, and your request to review the warrant for mistakes and to interpret the demurrer.

You also state, "It would also be very helpful in our in-service training program to have a sample warrant drawn up to be forwarded to the troops."

It is not the function of this office to review warrants for mistakes or to interpret demurrers. Neither is it our function to draw warrants, nor do we conceive it to be the function of the troops to instruct attorneys or courts in the technical matter of drawing criminal complaints.

It is wholly within the province of the trial justice, judge or recorder of a municipal court, or County Attorney, to draw complaints and indictments. It is their right and their duty to perform this function, and I believe they would be rightfully resentful if a police officer or other State official were to attempt to dictate to them what they should do. . .

Frank F. Harding
Attorney General

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