

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 373

H.P. 299

House of Representatives, February 8, 2011

An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator JACKSON of Aroostook and
Representative: THERIAULT of Madawaska.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §2138, sub-§11**, as enacted by PL 2001, c. 469, §1, is amended
3 to read:

4 **11. Appeal from a court decision to grant or deny a motion for new trial.** ~~An~~
5 ~~aggrieved person may not appeal from the denial of a new trial as a matter of right. The~~
6 ~~time, manner and specific conditions for taking that appeal to the Supreme Judicial Court,~~
7 ~~sitting as the Law Court, are as the Supreme Judicial Court provides by rule. The State or~~
8 ~~the defendant may appeal as a matter of right from a court decision to grant or deny the~~
9 ~~person defendant a new trial to the Supreme Judicial Court, sitting as the Law Court. The~~
10 ~~time, manner and specific conditions for taking that appeal to the Supreme Judicial Court,~~
11 ~~sitting as the Law Court, are as the Supreme Judicial Court provides by rule.~~

12 **SUMMARY**

13 This bill allows the defendant as well as the State to appeal a court decision to grant
14 or deny the defendant a new trial pursuant to a post-judgment conviction motion for DNA
15 analysis.