

MAINE STATE LEGISLATURE

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JUNE-JULY 1975

ALERT**CRIMINAL DIVISION**FROM THE OFFICE OF
THE ATTORNEY GENERAL
OF THE STATE OF MAINE**MESSAGE FROM THE
ATTORNEY GENERAL
JOSEPH E. BRENNAN**

This issue of ALERT is devoted entirely to a flow-chart illustrating Maine criminal court procedure in a step-by-step manner. The Law Enforcement Education Section plans to put this flow-chart in the next supplement to the Law Enforcement Officer's Manual. Anyone with any additions or corrections to the chart should contact the Law Enforcement Education Section at 289-2146.

Copies of the Law Enforcement Officer's Manual have been sent out in compliance with the many requests we have received. I am happy to say that we were able to fill the great majority of requests. If anyone who requested a Manual was, by oversight, not contacted by the Law Enforcement Education Section, he should contact them immediately.

JOSEPH E. BRENNAN
Attorney General

MAINE CRIMINAL COURT PROCEDURE

[FLOW-CHART]

The Maine court system uses different procedures in criminal cases depending on the degree of seriousness of the crime and the manner in which proceedings are initiated. In order to graphically illustrate these different procedures, a flow-chart divided into four sections is presented on the following pages. Each section of the flow-chart illustrates a different type of criminal case from the inception of the case to its final disposition. The flow-chart is designed to be an overview of Maine criminal court procedure and therefore some of the entries may not apply in all situations. With these few minor exceptions, however, the chart illustrates the procedure for every case a law enforcement officer is likely to encounter.

The flow-chart does not attempt to explain the meaning of terms used or the details of the various procedures listed. Many of these explanations can be found in the Law Enforcement Officer's Manual in Section V-B (Criminal Court Procedure) and Chapter IX (Glossary). Also, the flow-chart does not go beyond the sentence stage of the proceedings. Therefore, there are no entries for appeal or post-conviction relief. It should be noted that the 107th Maine Legislature has recently passed an Act to

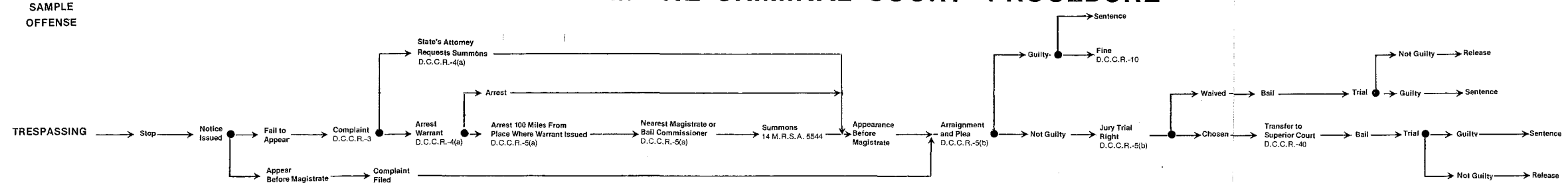
Implement the Recommendations of the Maine Traffic Court Advisory Committee. This act goes into effect 90 days after the Legislature adjourned and makes sweeping changes in the traffic law in Maine. Among the changes was the decriminalization of a large number of Maine's traffic laws. Because new traffic law procedures are now being formulated, the flow-chart does not contain any reference to traffic law procedure. The new changes in the Maine traffic law will be discussed in a future issue of ALERT.

Many of the procedures or steps listed in the flow-chart are accompanied by citations to statutes or court rules. The abbreviations used are M.R.S.A. (Maine Revised Statutes Annotated), M.R. Crim. P. (Maine Rules of Criminal Procedure), and D.C.C.R. (District Court Criminal Rules). Both the Maine Rules of Criminal Procedure and the District Court Criminal Rules can be found in the publication Glassman, *Maine Practice—Rules of Criminal Procedure with Commentaries*. The arrows on the flow-chart indicate the direction of flow from one step to another in the criminal process. A dot ● at the junction of two or more arrows indicates that there are two or more possible alternatives at that point in the chart.

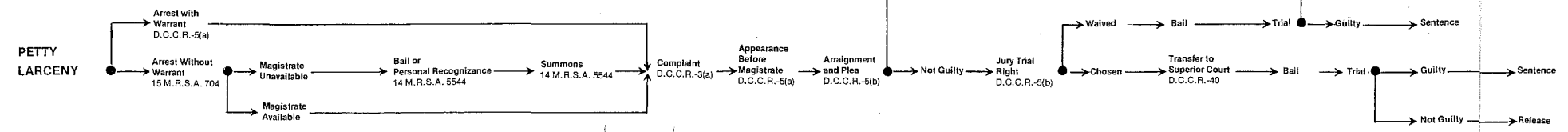
MAINE CRIMINAL COURT PROCEDURE

TYPE OF CRIMINAL CASE AND HOW INITIATED

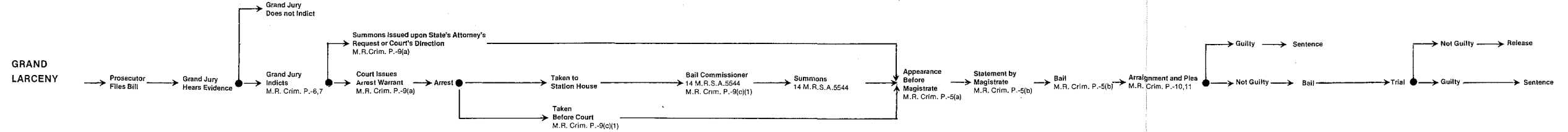
MISDEMEANOR: NOTICE TO APPEAR



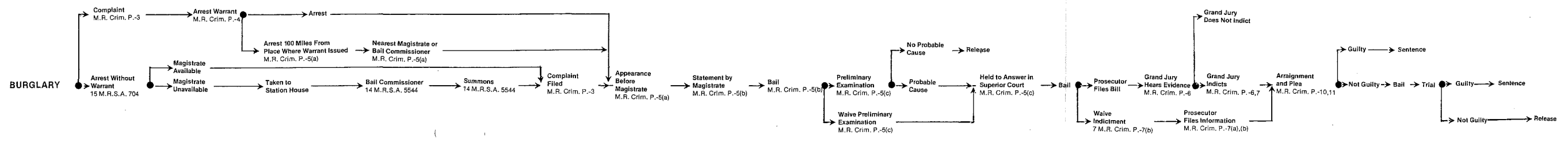
MISDEMEANOR: ARREST



FELONY: INDICTMENT



FELONY: ARREST



Comments directed toward the improvement of this bulletin are welcome. Please contact the Law Enforcement Education Section, Criminal Division, Department of the Attorney General, State House, Augusta, Maine.

ALERT

The matter contained in this bulletin is intended for the use and information of all those involved in the criminal justice system. Nothing contained herein is to be construed as an official opinion or expression of policy by the Attorney General or any other law enforcement official of the State of Maine unless expressly so indicated.

Any change in personnel or change in address of present personnel should be reported to this office immediately.

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This bulletin is funded by a grant from the Maine Law Enforcement Planning and Assistance Agency.