

§1029. Review of bail under section 1027

1. Petition for review. Any defendant in custody following a Harnish bail proceeding under section 1027 may petition a single Justice of the Supreme Judicial Court for review under this section and the additional procedures set forth in the Maine Rules of Unified Criminal Procedure, Rule 46(e)(1).

A. [PL 2015, c. 431, §14 (RP).]

B. [PL 2015, c. 431, §14 (RP).]
[PL 2015, c. 431, §14 (RPR).]

2. Standard of review. With respect to the finding of probable cause to believe that the defendant committed a formerly capital offense, the finding of the lower court shall be upheld, unless it is clearly erroneous provided there is an adequate record for purposes of review. With respect to all other issues or with respect to the issue of probable cause when the record is inadequate for review, the review shall be de novo. The parties shall cooperate to expeditiously assemble a record for review.
[PL 1989, c. 147, §3 (AMD).]

3. Evidence. The evidence consists of the information of record submitted in the Harnish bail proceeding under section 1027 and any additional information the parties may choose to present.
[RR 2009, c. 2, §31 (COR).]

4. No further relief. The review under this section is final and no further relief is available.
[PL 1999, c. 731, Pt. ZZZ, §11 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

SECTION HISTORY

PL 1987, c. 758, §20 (NEW). PL 1989, c. 147, §3 (AMD). PL 1999, c. 731, §ZZZ11 (AMD).
PL 1999, c. 731, §ZZZ42 (AFF). RR 2009, c. 2, §31 (COR). PL 2015, c. 431, §14 (AMD).

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