

Decision: 2008 ME 28

Docket: Pen-07-527

On Summary Consideration

Decided: February 12, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and GORMAN, JJ.

MICHAEL L. CHASSE

v.

STATE OF MAINE

PER CURIAM

[¶1] Pursuant to 15 M.R.S. § 2131 and M.R. App. P. 19, Michael L. Chasse has sought review by the Law Court by filing a petition seeking a certificate of probable cause in this, his first, post-conviction review proceeding. Chasse contends that the Superior Court erred or exceeded its discretion in dismissing his petition for failing to raise any proper grounds for post-conviction review. Based on our review, we determine that the petition should not have been dismissed, because the one-year limitation period in 15 M.R.S. § 2128 does not apply to the petition for relief Chasse filed. Chasse’s petition is premised upon 15 M.R.S. § 2124(2), which permits petitions based upon: “[i]ncarceration or increased

incarceration imposed pursuant to a post-sentencing proceeding following a criminal judgment, although the criminal judgment itself is not challenged.”

The entry is:

The Superior Court’s dismissal of Chasse’s petition is vacated and the matter is remanded to that court for a hearing on the merits of Chasse’s claim.

Attorney for Michael L. Chasse:

Stuart W. Tisdale, Jr., Esq.
Tisdale & Davis, P.A.
80 Exchange Street
PO Box 572
Portland, Maine 04112

Attorney for the State of Maine:¹

R. Christopher Almy, Dist. Atty.
97 Hammond Street
Bangor, Maine 04401

¹ Note by Reporter of Decisions: Because this case was decided on the petition for a certificate of probable cause, the State of Maine did not participate in the appeal. M.R. App. P. 19(c).