

SUPREME JUDICIAL COURT OF MAINE

State v. Dalli, 2010 ME 113

8 A.3d 632 (2010) · No. SRP-09-644 · Decided November 4, 2010

SUMMARY

The Supreme Judicial Court of Maine reviewed Richard M. Dalli's sentence following his guilty plea to Class A manslaughter. The court held that the sentencing court properly applied Maine's three-step sentencing process in setting the basic sentence, maximum sentence, and final sentence, and affirmed the sentence.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Silver, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	November 4, 2010
DOCKET	SRP-09-644
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dalli appealed from the sentence imposed by the Superior Court after he pleaded guilty to manslaughter. The Supreme Judicial Court granted leave to appeal the sentence under 15 M.R.S. § 2152 and Maine Rule of Appellate Procedure 20.
STANDARD OF REVIEW	The basic sentence was reviewed de novo for misapplication of principle. The maximum sentence and final sentence were reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Richard M. Dalli v. State of Maine

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QUESTIONS PRESENTED

1. Whether the Superior Court misapplied legal principles in setting a twenty-five-year basic sentence for manslaughter.
2. Whether the Superior Court abused its discretion by increasing the basic sentence to a thirty-year maximum sentence based on aggravating and mitigating factors.
3. Whether the Superior Court abused its discretion in imposing a final sentence of thirty years, with all but twenty years suspended and four years of probation.

HOLDINGS

1. The Superior Court did not misapply sentencing principles by setting a twenty-five-year basic sentence near the top of the permissible range because Dalli's deliberate stabbing created an extraordinarily high probability of death and was among the most serious ways to commit manslaughter.
2. The Superior Court did not abuse its discretion by increasing the twenty-five-year basic sentence to the thirty-year statutory maximum after considering aggravating and mitigating factors.
3. The Superior Court did not abuse its discretion by imposing a thirty-year sentence with all but twenty years suspended and four years of probation.

KEY QUOTATIONS

"The court was required to "consider[]" the particular nature and seriousness of the offense as committed by the offender," 17-A M.R.S. § 1252-C(1), and it quite logically concluded that Dalli's conduct fell near the boundary between the upper limits of manslaughter and intentional or knowing murder." (635)

"Although a sentencing court is required to consider the existence of mitigating factors, it is not compelled to reduce the basic sentence as a result." (636)

"Because the court did not disregard the statutory sentencing factors applicable to this case, its final sentence, in which it suspended one-third of the maximum sentence and imposed a lengthy period of probation, does not reflect an abuse of discretion." (637)

FACTUAL BACKGROUND

Dalli stabbed and killed John Wheeler at Dalli's home after the men had been drinking and after Dalli had returned first with a machete and then with a butcher knife. Dalli slashed Wheeler several times and inflicted a fatal stab wound to his chest, then initially told police that he had acted in self-defense. At the time of the killing, Dalli had schizoaffective disorder, alcohol dependence, substance abuse issues, and a criminal record dating to 1978.

PROCEDURAL HISTORY

Dalli was initially indicted for intentional or knowing murder and pleaded not guilty and not criminally responsible by reason of insanity. His murder trial ended in a mistrial when the jury could not reach a verdict. He subsequently pleaded guilty to an information charging manslaughter, and the Superior Court imposed a thirty-

year sentence with all but twenty years suspended and four years of probation. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Robbins, 2010 ME 62, ¶ 9, 999 A.2d 936, 938-39
- State v. Hutchinson, 2009 ME 44, ¶ 42, 969 A.2d 923, 935
- State v. Reese, 2010 ME 30, ¶¶ 27-28, 991 A.2d 806, 816-17
- State v. Reese, 2010 ME 30, ¶ 32, 991 A.2d 806, 818

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