

SUPREME JUDICIAL COURT OF MAINE

Jed R. Middleton v. State of Maine

2015 ME 164 (2015) · No. Sag-14-260 · Decided December 24, 2015

SUMMARY

The Maine Supreme Judicial Court affirmed the denial of Jed R. Middleton’s petition for post-conviction review. The court held that counsel’s decision not to seek a continuance of sentencing, despite Middleton’s emotional and confused state, did not constitute ineffective assistance because the decision was objectively reasonable and could have avoided a damaging allocution. The court also discussed competency at sentencing and the nature of the right of allocution.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Hjelm, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	December 24, 2015
DOCKET	Sag-14-260
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition for post-conviction review alleging ineffective assistance of counsel during sentencing.
STANDARD OF REVIEW	Questions of law in post-conviction appeals are reviewed de novo; factual findings are reviewed deferentially, and a petitioner bearing the burden of proof must show that the evidence compels a contrary conclusion. Ineffective-assistance claims are evaluated under the two-part Strickland test.
PRECEDENTIAL VALUE	Published and precedential decision of the Supreme Judicial Court of Maine
PARTIES	Jed R. Middleton v. State of Maine

TOPICS

- post-conviction relief
- ineffective assistance
- sentencing
- right to counsel
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defense counsel provided ineffective assistance by failing to seek a continuance of sentencing for a competency evaluation when Middleton was emotionally overwhelmed and confused.
2. Whether defense counsel provided ineffective assistance by failing to seek a continuance to preserve or facilitate Middleton's meaningful personal allocution.
3. Whether the post-conviction court's findings rejecting Middleton's ineffective-assistance claim were compelled by the evidence.

HOLDINGS

1. The post-conviction court did not err in rejecting Middleton's claim that counsel was ineffective for failing to request a continuance for a competency evaluation because the evidence did not compel a finding that Middleton was incompetent or that counsel was on notice of possible incompetence.
2. Counsel's decision to proceed with sentencing rather than seek a continuance was objectively reasonable, even assuming Middleton was unable to allocute meaningfully, because a continuance could have enabled him to make a statement harmful to his sentencing position.
3. The court did not need to decide whether a competent defendant's inability to personally allocute violates the Maine Constitution because, even assuming allocution is constitutional, counsel's strategic decision to proceed with sentencing was not necessarily ineffective.

KEY QUOTATIONS

“Pursuant to that test, a petitioner bears the burden of proving both that “counsel’s representation fell below an objective standard of reasonableness” and that the deficient representation resulted in prejudice.” (¶ 12)

“A defendant is competent to be sentenced if he is “capable of understanding the nature and object of the charges against him, comprehending his own condition in reference thereto, and cooperating with counsel to conduct a defense in a rational and reasonable manner.”” (¶ 15)

“Because a continuance might have set the stage for Middleton to make a statement that could have resulted in greater sentences than the court actually imposed, the court did not err by concluding that Middleton received effective representation despite the fact that Attorney Lawson-Stopps did not seek a continuance.” (¶ 23)

FACTUAL BACKGROUND

Following a 2010 jury trial, Middleton was convicted of one count of gross sexual assault and fifteen counts of unlawful sexual contact. At sentencing, defense counsel stated that Middleton was not in an emotional condition to address the court and later expressed doubt that Middleton would be coherent, but counsel did not request a continuance and instead presented character witnesses and argument. After the court imposed sentence, Middleton initially said he did not understand it, but counsel consulted with him during a recess and then assured the court that Middleton understood the sentence. The post-conviction court found that Middleton was

emotionally overwhelmed and confused but not incompetent and that counsel's decision to proceed was reasonable.

PROCEDURAL HISTORY

After a jury convicted Middleton of gross sexual assault and fifteen counts of unlawful sexual contact, the Superior Court sentenced him following a psychological evaluation. Middleton later filed a post-conviction petition alleging, among other claims, that sentencing counsel was ineffective for failing to seek a continuance when Middleton was emotionally overwhelmed, allegedly incompetent, or unable to allocute. The post-conviction court denied relief, and the Supreme Judicial Court granted leave to appeal on the single issue of whether Middleton was prejudiced by counsel's failure to request a continuance and affirmed.

DISPOSITION

affirmed

CASES CITED

- Heon v. State, 2007 ME 131, ¶¶ 5, 8, 931 A.2d 1068
- State v. Middleton, Mem-11-141 (Sept. 29, 2011)
- Theriault v. State, 2015 ME 137, ¶¶ 12-13
- Francis v. State, 2007 ME 148, ¶ 4, 938 A.2d 10
- Strickland v. Washington, 466 U.S. 668, 687-89, 697 (1984)
- Haraden v. State, 2011 ME 113, ¶ 7, 32 A.3d 448
- State v. Dyer, 371 A.2d 1079, 1085-86 (Me. 1977)
- State v. Nickerson, 2013 ME 45, ¶ 9, 66 A.3d 568
- State v. Dodd, 503 A.2d 1302, 1307 (Me. 1986)
- Crandall v. State, 297 A.2d 94, 97 & n.2 (Me. 1972)
- United States v. Barnes, 948 F.2d 325, 328 (7th Cir. 1991)
- United States v. Li, 115 F.3d 125, 132 (2d Cir. 1997)
- United States v. Hoffman, 707 F.3d 929, 937 (8th Cir. 2013)
- United States v. Smith, 705 F.3d 1268, 1274 (10th Cir. 2013)
- United States v. Leavitt, 478 F.2d 1101, 1104 (1st Cir. 1973)
- State v. Abdullah, 348 P.3d 1, 90-94 (Idaho 2015)
- Brine v. State, 160 Me. 401, 403, 205 A.2d 12, 13 (1964)
- State v. Chesnel, 358 A.2d 381, 383 (Me. 1976)
- Alexander v. Sharpe, 245 A.2d 279, 286-87 (Me. 1968)
- Hill v. United States, 368 U.S. 424, 425-29 (1962)
- McGautha v. California, 402 U.S. 183, 218 & n.22 (1971), vacated on other grounds sub nom. Crampton v. Ohio, 408 U.S. 941 (1972)
- Ayotte v. State, 2015 ME 158, ¶ 25

- Roberts v. State, 2014 ME 125, ¶ 27, 103 A.3d 1031
- Bucci v. United States, 662 F.3d 18, 32 (1st Cir. 2011)
- State v. Grindle, 2008 ME 38, ¶ 26, 942 A.2d 673
- Green v. United States, 365 U.S. 301, 304 (1961)

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