



MAINE JUDICIAL BRANCH
ADMINISTRATIVE OFFICE OF THE COURTS

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FOR IMMEDIATE RELEASE

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Judicial Branch Statement Regarding Lein Hinkley

June 17, 2024, Augusta, Maine. The events that unfolded on Russell Street in Auburn this past weekend are tragic. It is dangerous and short-sighted to blame the court for the horrific acts because it obscures the real nature of the problem: an insufficient number of attorneys willing to represent the rights of the accused. The crisis of lack of counsel has been developing for years; it will not disappear overnight. This is a systemic problem and one that all partners in the criminal justice system must work together to resolve rather than criticizing each other without offering a solution.

Lein Hinkley was arrested and seen by the court on May 24, 2024. The court ordered him to be held without bail on an alleged probation violation as well as high bail on new charges and ordered a court-appointed attorney to be assigned to him, as required by the Sixth Amendment to the US Constitution. No attorney was available. He was seen again on May 31; still no attorney was available to represent him. On June 7, he was seen again. There was still no attorney available, and the court found that this was a violation of Hinkley's constitutional rights. Finally, when he was brought before the court again on June 12, and still no attorney was available, the court made the decision to reduce his bail, with significant conditions, as a remedy for the ongoing violation of Hinkley's constitutional rights.

In Maine, indigent legal defense services are delivered by the Maine Commission on Public Defense Services (MCPDS), and not by the court. MCPDS is charged by statute with maintaining a sufficient number of attorneys on their rosters so that the court may make initial assignments of attorneys. MCPDS has had difficulty recruiting attorneys in recent years despite a substantial increase in hourly rates. Because there are too few lawyers on the rosters, the trial court is frequently unable to assign constitutionally required counsel for defendants who have been charged with crimes.

"As I have highlighted before, the lack of appointed counsel in this state is a constitutional crisis," said Chief Justice Valerie Stanfill. "As a result, every day judges must make extraordinarily difficult decisions, balancing the constitutional rights of the accused with the needs of the public. While prosecutors argue for defendants to continue to be incarcerated before trial and defense attorneys argue for charges to be dismissed, the burden falls on our dedicated judges to make the hard decisions in each case. Our system of justice depends on all the parts of the system being adequately resourced so that the parts can work together toward a just end for everyone. If one or more of the parts is inadequately funded, or missing altogether, the system will break down."





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The constitutional rights of the accused are not a matter of convenience. Those rights are in place to protect the accused and to ensure a fair system of justice. Both the United States Supreme Court and the Maine Supreme Judicial Court have made clear that the trial court must act as the protector of the defendant's right to counsel. Our courts cannot hold an unrepresented defendant in jail for an indeterminate period of time while waiting for counsel to be appointed. Such unchecked power is contrary to the principles of justice established in both our federal and state constitutions. Unless and until we have enough defense attorneys available to represent accused people, our system will continue to malfunction.

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