

STATE OF MAINE  
WASHINGTON, SS.

UNIFIED CRIMINAL DOCKET  
DOCKET NO. CR-22-20121

STATE OF MAINE )  
 )  
 )  
 )  
 v. )  
 )  
 KAILIE BRACKETT )  
 Defendant )

ORDER REGARDING  
REQUEST TO CONTINUE  
SENTENCING HEARING

On December 20, 2023, the Jury in this case, returned a verdict of guilty against defendant Kailie Brackett. The Court scheduled a sentencing hearing to be held on February 26, 2024. Subsequent to the scheduling of the sentencing hearing, the Defendant filed a motion for new trial on February 13, 2024. Within that motion for new trial, Defendant specifically requested that the sentencing hearing be continued until her motion for new trial could be resolved.

During a recent conference with the attorneys to address, in part, scheduling issues relating to sentencing and the pending motion which had been filed, the Court invited the parties to address, whether any prejudice might pertain to proceeding with the formal sentencing of the defendant prior to substantive consideration of the now pending motion for new trial. In response, on February 22, 2024, both parties submitted further memoranda to the Court for its further consideration.

One of the potential issues raised in the pending motion for new trial, relates to a knife, which Defendant contends may be “a potential murder weapon supporting an alternative suspect theory.” A more discrete issue within the Defendant’s motion for new trial is whether a *Brady* violation may have occurred with respect to this same evidence.

In Defendant’s most recent submission relating to whether there could be prejudice to her if the Court proceeded with the scheduled sentencing hearing, she cites to *State v. Twardus*, 2013 ME 74, 72 A.3d 523 and *District Attorney’s Office v. Osborne*, 557 U.S. 52 (2009). In those cases, the respective courts noted that the rights afforded by *Brady* and/or its application may be different in a post-conviction context (as opposed to other stages of criminal proceedings).

In Maine, a judgment of conviction in a criminal matter, occurs only after a sentence is imposed. *See* M.R.U. Crim. P. 32(b); *State v. Cummings*, 2023 ME 35, ¶ 27, 295 A.3d 1227 (“Judgment is considered to occur when a sentence imposed is entered on the criminal docket.”) (quoting *State v. Curtis*, 1998 ME 254, ¶ 4, 721 A.2d 175). Accordingly, the Court would consider Defendant to be in a “post-conviction” status in this matter only after the conclusion of formal sentencing.

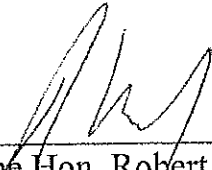
Although the actual applicability of *Brady* to any of the issues presented by Defendant’s pending motion for new trial is not at all clear at this time, to the extent it may be a component of any substantive consideration of the motion for a new trial, the “post-conviction” status of the Defendant should

not in any way be allowed to create any prejudice to Defendant's right to have her pending motion fairly adjudicated.

Accordingly, the Defendant's request for a continuance of the sentencing hearing scheduled for February 26, 2024 is hereby GRANTED. Further scheduling, with respect to both the pending motion for new trial and the sentencing of the Defendant, will be addressed with the attorneys in a conference to be set by the Clerk.

Date:

2/23/24

  
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The Hon. Robert Murray  
Justice, Maine Superior Court

ENTERED ON THE DOCKET:  
WASHINGTON COUNTY COURTS  
MACHIAS ME  
2/23/24