

THE SUPREME JUDICIAL COURT FOR THE STATE OF MAINE
SITTING AS THE LAW COURT

LAW COURT DOCKET NUMBER Cum-25-454

STATE OF MAINE

Appellee

v.

ABDIHAMIT ALI

Appellant

ON APPEAL FROM THE CUMBERLAND COUNTY UNIFIED
CRIMINAL DOCKET

BRIEF OF APPELLEE,
STATE OF MAINE

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Statement of Facts and Procedural History

The details of Appellant's crime, trial and sentencing are set forth in this Court's opinion in the first appeal in this case. *See State v. Ali*, 2025 ME 30, 334 A.3d 657. Appellee incorporates those facts by reference in this brief. The trial court originally sentenced the defendant to fifteen years, with all but seven years suspended, and four years of probation on count one, and a concurrent five-year sentence on count two. (A. 14-15). The Court remanded this case for resentencing after holding that the convictions on counts one and two must be merged and the Appellant resentenced on the merged count. *Id.* at ¶24.

Consistent with this Court's decision, the trial court, (*Woodman, J.*) held a resentencing hearing on September 17, 2025. (Tr. 2). Appellee did not present any further material for the trial court's consideration at resentencing. (Tr. 3). Appellant presented various witnesses outlining Appellant's activities while incarcerated. (Tr. 8-17). After hearing, the trial court found that its original sentencing analysis remained unchanged and imposed the same sentence on the merged count as was originally imposed on count one. (Tr. 21-22). Appellant filed this appeal with leave of the Court.

Statement of Issues Presented for Review

- I. Whether the Court properly conducted a new sentencing hearing.

Summary of the Argument

Appellant argues that the trial court did not conduct a new sentencing analysis and that if it had, the court was *compelled* to take into consideration mitigating factors that occurred *after* his original sentencing and incarceration, which should have reduced his sentence. Contrary to the Appellant's assertion, there is no such requirement in this Court's jurisprudence and to impose one undermines the purposes of sentencing and creates inappropriate incentives to misuse judicial resources in the appellate processes. The trial court properly conducted a new sentencing hearing and after hearing, found that its original sentencing analysis remained unchanged, imposing the same sentence as originally imposed. Given that there is no such requirement for the trial court to take into consideration any of the new information which had no bearing on the sentencing factors present at the time of the original sentencing, there was no error.

Argument

- I. The trial court properly conducted a sentencing hearing and appropriately declined to consider information presented regarding the Appellant's conduct while incarcerated.

Appellant asserts that the sentencing court, *Woodman, J.*, ignored the Court's remand order by failing to conduct a new sentencing hearing. As the record makes clear, the court conducted a lengthy sentencing hearing where the Appellant was permitted to present numerous statements of support. What Appellant really complains of is that the trial court refused to accept the same argument that he forwards here - that the trial court was required to consider conduct that occurred after the original sentencing in this case when conducting the new sentencing hearing.

Given that this appeal concerns the interpretation of this Court's remand order - a question of law - this Court's standard of review is *de novo*. *State v. Harrell*, 2012 ME 82, ¶4, 45 A.3d 732. As this Court has made clear, when, as here, duplicative convictions are vacated on double jeopardy grounds, the proper remedy is merger of the duplicative counts and a resentencing on the singular merged count. *State v. Armstrong*, 2020 ME 97, ¶11, 237 A.3d 185.

Resentencing requires “a new sentencing proceeding at which both parties could be heard” where the trial court must conduct a new sentencing analysis. *Id.*

Here, the trial court did exactly as the law and the specific remand order in this case required. The trial court conducted a new sentencing hearing on September 17, 2025 and heard from both parties. (Tr. 2).¹ Appellant allocuted and presented statements from community members as evidence of mitigation. (Tr. 8-17). After hearing, the trial court found that its original sentencing analysis was still appropriate, indicated on the record that it was adopting the prior sentencing analysis for purposes of the resentencing hearing, and imposed the exact same sentence on the merged counts.² (Tr. 21-22). Nothing in the remand order or anywhere in this Court’s jurisprudence *required* the trial court to consider any information *at all* regarding the Appellant’s conduct while incarcerated, and

¹ Appellant’s argument seems to turn on the interpretation of the word “new” in *Armstrong*, implicitly arguing that new must mean different. The trial court here conducted a new hearing; that it reached the same result does not mean it was not new.

² Notably, the trial court found that all of the evidence presented at the hearing was proof that the original sentence was appropriate, clearly indicating that the trial court considered the information in adopting the prior sentencing analysis. [Tr. 22].

Appellant has cited none. To be perfectly clear, Appellant is asking this Court to require a trial court to consider evidence of conduct that occurred *entirely* after the conviction and original sentencing hearing. Instead, a remand order should put the parties in the exact same position they were in as if the case had never been appealed, not give the Appellant the benefit of the passage of time. To do as the Appellant suggests would set inappropriate incentives to misuse the judicial system to circumvent proper sentencing procedures.

Notably, if Appellant's conduct had been aggravating while incarcerated, this Court's precedents preclude the State from arguing for an increased sentence. *See State v. Violette*, 576 A.2d 1359, 1360 (Me. 1990) (holding that an increased sentence after a resentencing hearing can only be based on the recidivism of the defendant after the first sentencing proceeding). Benefit should not redound to an individual convicted and sentenced where similar aggravating factors would not be used to his detriment.

Finally, Appellant's argument that the trial court improperly weighed this new information in its analysis fails. The trial court is not required to assign the same weight to any factor that an Appellant

wishes the court would.³ *State v. Schofield*, 2006 ME 101 ¶15, 904 A.2d 409. The trial court clearly considered the material presented by the Appellant and reaffirmed the original sentence. There was no error.

³ To the extent that the Appellant challenges the propriety of the sentence, that issue is not properly before the Court in this appeal and therefore will not be addressed here.

Conclusion

The trial court conducted a resentencing hearing and properly rejected Appellant's requests to consider his conduct in the time between the two sentencing hearings. The trial court was not required to consider that material and any rule requiring the trial court to do so undermines the purposes of sentencing and creates inappropriate incentives to misuse judicial resources in the appellate processes. For the foregoing reasons, the State of Maine respectfully requests this Honorable Court affirm the Appellant's sentence.

March 26, 2026 Respectfully submitted,

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Certificate of Service

I, Kristen M. Hughes, Assistant District Attorney for Cumberland County, certify that on this date I caused a true copy of the foregoing brief to be served upon counsel for Appellant by email addressed to daniel@boydwentworth.com, and that upon approval of the brief by the Clerk of the Law Court, I shall serve two printed copies by first class United States mail addressed to Daniel Wentworth, Esq. at Boyd Wentworth, 6 City Center, Suite 301, Portland, ME 04101.

March 26, 2026

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