

STATE OF MAINE

KENNEBEC, ss.

VINI J. HEIKKILA,

Petitioner

v.

STATE OF MAINE,

Respondent

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-04-27

SKS-KES-2/29/09

**DECISION ON POST
CONVICTION REVIEW**

This matter comes before the court on the petition of Vini Heikkila for post-conviction review of his conviction and sentencing on two counts of drug related crimes (Aggravated Trafficking (class A) and Illegal Importation (class C)). As refined by the post-conviction assignment order, the petitioner is claiming a plea agreement violation and an illegal or unconstitutional sentence. The court has reviewed the court record consisting of the transcript of the Rule 11 and sentencing dated July 21, 2003, plus State's exhibits and the testimony of the petitioner and his trial attorney, Walter McKee.

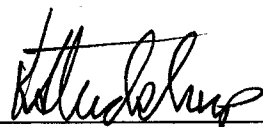
Discussion

At hearing, the petitioner acknowledged that the sentence he received was not illegal or unconstitutional. The Aggravated Trafficking in Schedule W Drugs charge was a class A crime for which the petitioner could have received a sentence of between the minimum mandatory of four years incarceration and the maximum of 20/40 years. As ultimately presented to the court, this was an open plea and the court entered sentence of 10 years, all but five years suspended – well within the court's authority. Therefore, the second ground raised by the petitioner is not sufficient to sustain any relief.

The petitioner's real problem with his sentence is that he had been offered the minimum mandatory four years of incarceration, but turned that down as a negotiated plea because there could be no guarantee that he would receive a stay of execution. Whether because of family responsibilities as Heikkila claims or simply because of his strongly held wish to avoid going to prison, these matters were continued several times. Heikkila kept putting off the inevitable until the offer of the minimum mandatory four-year sentence had expired. On cross-examination, the petitioner agreed with counsel for the State that he had gambled and lost with regard to the plea and that he had received more jail time than he had expected. Heikkila was represented by a very talented and experienced attorney who attempted to take the defendant through the process with as little damage as possible. This attempt was not entirely successful, but does not form any basis for relief on a petition for review.

In light of the foregoing, the petition for post-conviction review is DENIED.

Dated: February 24, 2005



S. Kirk Studstrup
Justice, Superior Court

VINI J HEIKKILA
vs
STATE OF MAINE

SUPERIOR COURT
KENNEBEC, ss.
Docket No AUGSC-CR-2004-00027

DOCKET RECORD

PL. DOB: 10/06/1959

State's Attorney: LARA NOMANI

Pro Se.

Filing Document: PETITION
Filing Date: 01/23/2004

Major Case Type: POST CONVICTION REVIEW

Charge(s)

Docket Events:

01/23/2004 FILING DOCUMENT - PETITION FILED ON 01/23/2004

01/23/2004 POST CONVIC. REVIEW - REVIEW SENT FOR REVIEW ON 01/23/2004

SENT TO JUSTICE HUNTER FOR REVIEW

03/10/2004 POST CONVIC. REVIEW - ASSIGNMENT ASSIGNED TO DOCKET ON 03/05/2004

03/10/2004 POST CONVIC. REVIEW - ASSIGNMENT ASSIGNED TO JUSTICE ON 03/05/2004
S KIRK STUDSTRUP , JUSTICE

04/22/2004 POST CONVIC. REVIEW - RESPONSE TO PETITION FILED ON 04/22/2004

DA: LARA NOMANI

04/22/2004 OTHER FILING - WITNESS LIST FILED BY DEFENDANT ON 04/22/2004

EXPECTED STATEMENT FILED.

05/06/2004 POST CONVIC. REVIEW - PCR CONFERENCE HELD ON 04/30/2004
S KIRK STUDSTRUP , JUSTICE

DA: LARA NOMANI Reporter: JANETTE COOK

Defendant Present in Court

CONFERENCE WAS BY PHONE WITH JANET COOK PRESENT

05/06/2004 POST CONVIC. REVIEW - ORDER RESULTING FROM PCR CONF FILED ON 04/30/2004
S KIRK STUDSTRUP , JUSTICE

11/17/2004 HEARING - EVIDENTIARY HEARING SCHEDULED FOR 12/20/2004 @ 9:00

NOTICE TO PARTIES/COUNSEL

11/17/2004 HEARING - EVIDENTIARY HEARING NOTICE SENT ON 11/17/2004

11/17/2004 WRIT - HABEAS CORPUS TO TESTIFY ISSUED ON 11/17/2004

CERTIFIED COPY TO SHERIFF DEPT.

12/07/2004 WRIT - HABEAS CORPUS TO TESTIFY ISSUED ON 12/07/2004

CERTIFIED COPY TO SHERIFF DEPT.

12/20/2004 HEARING - EVIDENTIARY HEARING HELD ON 12/20/2004
S KIRK STUDSTRUP , JUSTICE

DA: LARA NOMANI

Reporter: JANETTE COOK

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Printed on: 02/25/2005

Defendant Present in Court

DEFENDANT APPEARED PRO SE, PETITIONER TESTIFIED ON HIS OWN BEHALF AND WALTER MCKEE TESTIFIED

12/20/2004 CASE STATUS - DECISION UNDER ADVISEMENT ON 12/20/2004

S KIRK STUDSTRUP , JUSTICE

02/25/2005 ORDER - COURT ORDER FILED ON 02/24/2005

S KIRK STUDSTRUP , JUSTICE

02/25/2005 FINDING - DENIED ENTERED BY COURT ON 02/24/2005

COPIES TO DEFENDANT AND DA

A TRUE COPY

ATTEST:

Clerk