

STATE OF MAINE

v.

RAYSHAUN MOORE

Submitted on Briefs June 20, 2024  
Decided July 2, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, and DOUGLAS, JJ.

#### MEMORANDUM OF DECISION

Rayshaun Moore directly appeals from a judgment (Penobscot County, *A. Murray, J.*) resentencing him after he was convicted of murder, 17-A M.R.S. § 201(1)(A) (2024), by the trial court (Penobscot County, *Anderson, J.*) following a jury trial. Moore argues that his new sentence is illegal because the basic sentence that the court set at the first step of its resentencing analysis was more severe than the basic sentence set in the course of the initial sentencing, *see* 17-A M.R.S. § 1602(1)(A) (2024). Contrary to Moore’s contention, the relevant comparison is between the sentence originally imposed and the new sentence imposed after remand, not contrasts between the steps in the two sentencing analyses. *See* 15 M.R.S. § 2156(1-A) (2024) (authorizing remand for imposition of new sentence “provided that the sentence is not more severe than the sentence appealed”). Moore’s new sentence of thirty years of incarceration was less severe than the original thirty-two-year sentence, and he does not contend that any other element or consequence of the new sentence was more severe than the previous sentence. *Cf. State v. Thomas*, 214 A.3d 132, 141 (Md. 2019) (when resentencing resulted in same period of incarceration as originally imposed, but delayed the defendant’s eligibility for parole, the resentencing was illegal due to that additional impediment). Thus, the result of

Moore's resentencing was not illegal. *See State v. Davenport*, 2016 ME 69, ¶ 8, 138 A.3d 1205 (“[o]n direct appeal, we will vacate a sentence only when it ‘is illegal and . . . the illegality appears on the face of the record’”).

The entry is:

Judgment affirmed.

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Jeremy Pratt, Esq., and Ellen Simmons, Esq., Camden, for appellant Rayshaun Moore

Aaron M. Frey, Attorney General, and Donald W. Macomber, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee State of Maine