

MAINE STATE LEGISLATURE

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December 20, 1943

no

C. S. Roberts, Esq.
Rockland, Maine.

Brother Roberts:

I acknowledge receipt of your letter of the 17th instant, addressed to the undersigned, regarding the case of Wallace Vinal, together with the enclosures, namely, a copy of the indictment and also a form of writ of error that you proposed to submit to Judge Murray.

I remember your speaking about an insane case, but the details were not discussed and the case left no impression with me when I left Rockland.

It seems to me that a writ of error would not lie and that the proceedings to be taken should be had under Chapter 1, Section 417, Laws of 1933, amended by Chapter 232, Laws of 1943.

This is unlike your other cases. This respondent has not been convicted of the crime charged, but he has been acquitted, as I understand it, by reason of his insanity, and the presiding Justice under the section referred to committed him to the insane hospital at Bangor.

It seems to me that this man should be discharged only on proof that he has recovered or "that his discharge will not endanger the peace and safety of the community."

While I am willing to be cooperative and accommodating, I don't think that this is a case in which I would want to be rushed, as the matter of primary importance is whether this man may be safely discharged, to mingle again with the general public. I say again, in my opinion, the proceedings should be had under Section 417, or Section 418.

Very truly yours,

Abraham Breitbard
Deputy Attorney General

AB:c