ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document No. 1184

H. P. 923 House of Representatives, March 5, 1969

On Motion of Mrs. Wheeler of Portland. Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Wheeler of Portland, by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-NINE

RESOLVE, Reimbursing Louis Nadeau, formerly of Biddeford, for Violation of his Constitutional Rights.

Louis Nadeau; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of $83,000 to be paid to Louis Nadeau, formerly of Biddeford, as a full and final settlement of his claim against the State for violation of his constitutional rights.

STATEMENT OF FACTS

Louis Nadeau, formerly of Biddeford, County of York, State of Maine was accused of murder, and on October 18, 1949 had a probable cause hearing held at Biddeford before a Municipal Court Judge and entered a plea of guilty. Mr. Nadeau does not read English, nor does he have full control of the English vocabulary. Mr. Nadeau's plea was accepted without the benefit of counsel. Mr. Nadeau also, prior to this hearing, signed a confession at the Biddeford Police Department, confessing to the crime of murder. Mr. Nadeau alleged in both instances that he did not know what he was admitting to, that he did not know he was signing a confession of murder, and that he did not know he was entering a plea of guilty to the crime of murder. Probable cause was found and Mr. Nadeau was bound over to the Grand Jury of York County.

Upon indictment, Louis Nadeau entered a plea of not guilty to the indictment and proceeded to trial. At the trial the Judge of the Municipal Court,

over objection of counsel, took the witness stand and testified that Louis Nadeau had previously entered a plea of guilty in his Court to the charge of murder.

A review of the transcript of the case indicates that Mr. Nadeau was at the place of business of the deceased on the day she was murdered. There is no clear, existing evidence of his being in the premises at the time of the murder and there is no indication of a motive other than Mr. Nadeau, while in the premises earlier on that particular day, did see some money in the amount of approximately $40 in the possession of the deceased. At the time of Mr. Nadeau's apprehension, which was very shortly after the murder, he apparently did not have the equivalent of $40 upon his person, and evidence did not disclose that he had said amount with him.

On January 15, 1950 Mr. Nadeau was convicted of the crime of murder and was sentenced to the Maine State Prison at Thomaston, on a sentence which incarcerated him for the rest of his natural life. Mr. Nadeau brought a writ of Habeaus Corpus, which writ was pursued through the Courts of the State of Maine and into the Federal Court system.

On November 4, 1968 the Supreme Judicial Court of the State of Maine granted re-hearing and re-consideration in the matter of Louis Nadeau vs. State of Maine, and Mr. Nadeau's appeal was then sustained and the case was remanded to the York County Superior Court for the issuance of an order on the Writ of Habeaus Corpus, discharging Mr. Nadeau, unless the State proceeded against him within sixty days from that date. Subsequently the State filed, on the 19th day of December, 1968, a stipulation that the State intends not to try Mr. Nadeau on the charge of murder. Thereafter Mr. Nadeau was released from the Maine State Prison at Thomaston, where he had been incarcerated for approximately nineteen years.

Mr. Nadeau from the onset maintained that his constitutional rights were invaded and violated, but the State saw fit to retain him in custody serving the sentence of imprisonment for his natural life. Mr. Nadeau's imprisonment was in violation of all things inherent to the citizens of this country and he should be compensated for the wrong that was imposed upon him. Consequently a private resolve is being presented to justify the wrong imposed upon Mr. Nadeau by the State of Maine.