

STATE OF MAINE  
CUMBERLAND, SS.

UNIFIED CRIMINAL DOCKET  
DOCKET NO:

STATE OF MAINE

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)

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V.

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MOTION TO SUPPRESS

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JOHN WILLIAMS

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NOW COMES the Defendant, by and through his attorney and hereby moves to suppress any and all statements illegally obtained by officers and states the following in support thereof:

A confession is admissible in evidence only if it was given knowingly, understandably and voluntarily, and the State has the burden to prove voluntariness beyond a reasonable doubt. *See State v. Wiley*, 2013 ME 30, ¶15, 61 A.3d 750, 755 (*citing State v. McCarthy*, 2003 ME 40, 819 A.2d 335). A heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination. *See North Carolina v. Butler*, 441 U.S. 369, 373 (1979).

The voluntariness requirement gives effect to three overlapping but conceptually distinct values: "(1) it discourages objectionable police practices; (2) it protects the mental freedom of the individual; and (3) it preserves a quality of fundamental fairness in the criminal justice system." *See Wiley*, 2013 ME at ¶16, 61 A.3d at 755 (*quoting State v. Sawyer*, 2001 ME 88, ¶8, 772 A.2d 1173). "A confession is voluntary if it results from the free choice of a rational mind, if it is not a product of coercive police conduct, and if under all of the circumstances its admission would be fundamentally fair." *Id.* (*quoting State v. Mikulewicz*, 462 A.2d 497, 501 (Me. 1983)); *see also State v. Nightingale*, 2012 ME 132, ¶33, 58 A.3d 1057 (a confession must be the free choice of a rational mind, fundamentally fair, and not a product of coercive police conduct).

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The assessment of voluntariness is based on the totality of the circumstances, and includes “both external and internal factors, such as: the details of the interrogation; duration of the interrogation; location of the interrogation; whether the interrogation was custodial; the recitation of *Miranda* warnings; the number of officers involved; the persistence of the officers; police trickery; threats, promises or inducements made to the defendant; and the defendant's age, physical and mental health, emotional stability, and conduct.” *See Dodge*, 2011 ME at ¶12, 17 A.3D at 132 (*quoting State v. Sawyer*, 2001 ME 88, ¶9, 772 A.2d 1173, 1176).

Obtaining confessions by physical abuse “constitutes an egregious violation of an underlying principle of our criminal justice system about which Justice White spoke—that ‘ours is an accusatorial and not an inquisitorial system.’” *See People v. Wrice*, 2012 IL 111860, ¶73 (*quoting Arizona v. Fulminante*, 499 U.S. 279, 293(1991) (White, J., dissenting)). Therefore, no matter how strong the case against a particular defendant may otherwise be, the “use of a defendant's physically coerced confession as substantive evidence of his guilt is never harmless error.” *Id.* ¶ 84. “While many errors might affect the fairness of a trial, the law reserves a special place for physically coerced confessions, not only because they pervert the truth-seeking function but because they undermine the overall integrity of the trial process.” *See People v. Gibson*, 2018 IL App (1<sup>st</sup>) 162177, ¶106.

In this case, despite zero resistance by Mr. Williams, officers beat and pummeled him to the point of causing him to defecate himself. Photos show that the officers severely injured Mr. Williams, kicking him in the head and face, among other things, and causing severe bruising and then holding up his head by the back of his hair like a game trophy. By the time that detectives arrived, Mr. Williams was convinced that he would continue to be beaten and traumatized by overzealous police officers, who apparently felt justified in their treatment of Mr. Williams.

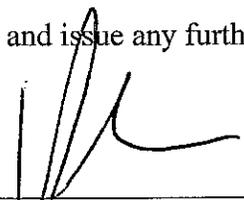
When the interrogating detectives told him they were there to help him, naked, dirty, hunger, tired, beaten and in the throes of opioid withdrawal, Mr. Williams sincerely believed they could help him get away from the beatings and was ready to tell them anything they wanted to hear to avoid further beatings. He not only believed they could clean him up, get him warm and feed him, but he sincerely believed that his cooperation would avoid further beatings at the hands of officers.

Further, Mr. Williams was not physically and mentally able to provide a voluntary statement to the detectives due to his withdrawal from opiates. Individuals in such a situation are not capable of advocating for themselves or making important decisions due to the withdrawal and their uncomfortable physical condition. Due to his withdrawal, Mr. Williams was sleep deprived and expressed his significant exhaustion and discomfort. In addition, opioid withdrawal causes muscle aches, restlessness, anxiety, nausea and rapid heart beat. It is physically painful and extremely uncomfortable and all the person can think of is getting an opiate to get rid of his symptoms and cannot think clearly, particularly under interrogation for murder. In combination with the significant beating he sustained and the totality of the circumstances surrounding the officers' interrogation of Mr. Williams, his statements were not voluntary under Maine and federal law.

Because officers obtained incriminating statements through brutal physical force and threat of the same, as well as through coercive tactics in violation of due process, and because Mr. Williams was physically and mentally incapable of making a meaningful choice to cooperate, the Court should suppress any statements made by Defendant following his arrest.

WHEREFORE, Defendant respectfully requests that this Honorable Court suppress any and all statements made by Defendant following his arrest and issue any further relief as it deems just and proper.

Date: August 17, 2018



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August 23, 2018

Julie Howard, Esq.  
Cumberland County Superior Court  
205 Newbury Street  
Portland, ME 04101

**RE: State of Maine v. John D. Williams  
Docket No.: CR-18-2275**

Dear Julie,

Enclosed herewith regarding the above-noted matter please find Defendant's Motion to Suppress.

As always, thank you for your assistance with this matter.

Very truly yours,



Verne E. Paradie, Jr.

VP/jf

Enc.

CC: Patrick Nickerson, Esq.

John D. Williams

Lisa J. Marchese

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