

ASSEMBLY, No. 325

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. SAIBER

Referred to Committee on Appropriations

AN ACT for the relief of Clifford Shephard and providing for the payment of damages sustained by him as a result of, and in connection with, his erroneous conviction on charges of passing worthless checks and his imprisonment therefor as a claim founded in right and justice and in law and equity against the State of New Jersey.

1 WHEREAS, Clifford Shephard, a resident and citizen of this State, was arrested  
2 on April eighteenth, one thousand nine hundred and thirty-five, on a  
3 charge of passing worthless checks and was subsequently indicted in the  
4 court of oyer and terminer of Middlesex county and was tried and con-  
5 victed on said charge in the court of quarter sessions of said county, and  
6 on October twenty-second, one thousand nine hundred and thirty-five, he  
7 was sentenced to nine months in the Middlesex county workhouse and was  
8 imprisoned therein until May first, one thousand nine hundred and thirty-  
9 six, and upon his release he was arrested upon a similar charge and was  
10 imprisoned in the Essex county jail and was subsequently indicted in the  
11 court of oyer and terminer of Essex county and was tried and convicted  
12 on said charge in the court of special sessions of said county and was  
13 sentenced on June nineteenth, one thousand nine hundred and thirty-six  
14 to two consecutive terms of nine months each in the Essex county peni-  
15 tentiary and was imprisoned therein until August second, one thousand  
16 nine hundred and thirty-seven; and

17 WHEREAS, The said Clifford Shephard was subsequently arrested on a similar  
18 charge on December twenty-eighth, one thousand nine hundred and thirty-  
19 eight, in Union county but no indictment was found against him by the  
20 Union county grand jury because it then appeared that the crime, with  
20A which he was charged, was committed at a time when he was being im-  
21 prisoned as aforesaid; and

22 WHEREAS, It subsequently was established that the said Clifford Shephard  
23 was the victim of mistaken identity and that he was not guilty of any of  
24 said charges made against him but that he had been wrongfully arrested,  
25 convicted and imprisoned and that said crimes were committed by  
26 another person, and his innocence of said crimes having been established,  
27 he was granted a full pardon on June fourteenth, one thousand nine  
28 hundred and fifty; and

29 WHEREAS, By reason of the foregoing, the said Clifford Shephard has been  
30 greatly damaged and has a claim against the State of New Jersey for  
31 said damages including loss of earnings and compensation for indigni-  
32 ties, shame, humiliation, loss of reputation and mental anguish suffered  
33 by him and for the loss of his liberty and civil rights, which claim is  
34 founded in right and justice and is morally and equitably payable to  
35 him by the State; and

36 WHEREAS, It is the sense of the Legislature that said claim should be paid;  
37 therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. There shall be paid to Clifford Shephard of the county of Essex, in the  
2 State of New Jersey, by way of damages sustained by him by reason of his  
3 said wrongful convictions and imprisonments, as aforesaid, the sum of fifty  
4 thousand dollars (\$50,000.00) which hereby is determined by the Legislature  
5 to be the sum in which he was damaged thereby, which payment shall be made

6 by the Treasurer of the State on the warrant of the Director of the Division  
7 of Budget and Accounting of the Department of the Treasury.

1 2. This act shall take effect July first, one thousand nine hundred and  
2 fifty-one.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 325

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. SAIBER

Referred to Committee on Appropriations

AN ACT for the relief of Clifford Shephard and providing for the payment of damages sustained by him as a result of, and in connection with, his erroneous conviction on charges of passing worthless checks and his imprisonment therefor as a claim founded in right and justice and in law and equity against the State of New Jersey.

1 WHEREAS, Clifford Shephard, a resident and citizen of this State, was arrested  
2 on April eighteenth, one thousand nine hundred and thirty-five, on a  
3 charge of passing worthless checks and was subsequently indicted in the  
4 court of oyer and terminer of Middlesex county and was tried and con-  
5 victed on said charge in the court of quarter sessions of said county, and  
6 on October twenty-second, one thousand nine hundred and thirty-five, he  
7 was sentenced to nine months in the Middlesex county workhouse and was  
8 imprisoned therein until May first, one thousand nine hundred and thirty-  
9 six, and upon his release he was arrested upon a similar charge and was  
10 imprisoned in the Essex county jail and was subsequently indicted in the  
11 court of oyer and terminer of Essex county and was tried and convicted  
12 on said charge in the court of special sessions of said county and was  
13 sentenced on June nineteenth, one thousand nine hundred and thirty-six  
14 to two consecutive terms of nine months each in the Essex county peni-  
15 tentiary and was imprisoned therein until August second, one thousand  
16 nine hundred and thirty-seven; and

17 WHEREAS, The said Clifford Shephard was subsequently arrested on a similar  
18 charge on December twenty-eighth, one thousand nine hundred and thirty-  
19 eight, in Union county but no indictment was found against him by the  
20 Union county grand jury because it then appeared that the crime, with  
20A which he was charged, was committed at a time when he was being im-  
21 prisoned as aforesaid; and

22 WHEREAS, It subsequently was established that the said Clifford Shephard  
23 was the victim of mistaken identity and that he was not guilty of any of  
24 said charges made against him but that he had been wrongfully arrested,  
25 convicted and imprisoned and that said crimes were committed by  
26 another person, and his innocence of said crimes having been established,  
27 he was granted a full pardon on June fourteenth, one thousand nine  
28 hundred and fifty; and

29 WHEREAS, By reason of the foregoing, the said Clifford Shephard has been  
30 greatly damaged and has a claim against the State of New Jersey for  
31 said damages including loss of earnings and compensation for indigni-  
32 ties, shame, humiliation, loss of reputation and mental anguish suffered  
33 by him and for the loss of his liberty and civil rights, which claim is  
34 founded in right and justice and is morally and equitably payable to  
35 him by the State; and

36 WHEREAS, It is the sense of the Legislature that said claim should be paid;  
37 therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. There shall be paid to Clifford Shephard of the county of Essex, in the  
2 State of New Jersey, by way of damages sustained by him by reason of his  
3 said wrongful convictions and imprisonments, as aforesaid, the sum of fifteen  
4 thousand dollars (\$15,000.00) which hereby is determined by the Legislature  
5 to be the sum in which he was damaged thereby, which payment shall be made

6 by the Treasurer of the State on the warrant of the Director of the Division  
7 of Budget and Accounting of the Department of the Treasury.

1 2. This act shall take effect July first, one thousand nine hundred and  
2 fifty-one.