

GRAND JURY
REPORT

Winter Term
A. D. 1950

FOR

DADE COUNTY
FLORIDA

Filed
8 May 1950

Horace L. Alexander, Foreman

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR
THE COUNTY OF DADE

Winter Term A.D. 1950

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MORTON D. ADAMS, *Vice-Foreman*
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HARVIE S. DUVAL, *Assistant State Attorney*

Final Report of the Grand Jury

TO THE HONORABLE JUDGES
OF THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA:

We, the Grand Jury in and for Dade County, Florida, were duly impaneled on the 14th day of February for the WINTER TERM 1950 of the Circuit Court of the Eleventh Judicial Circuit of Florida, by Judge N. Vernon Hawthorne.

We deeply appreciate the aid and assistance given us by Judge Hawthorne. His charges were full, complete and educational and gave us all the law and information that was necessary for us to embark upon our duties and obligations as Grand Jurymen.

CAPITAL CASES

We have considered twenty-two cases and have disposed of these cases by the following action (In session 25 days):

STATE OF FLORIDA vs.
WILL McGEE (Colored)
Indicted for Murder in the First Degree
Indicted for Assault with Intent to Commit
First Degree Murder

STATE OF FLORIDA vs.
NOLA C. McLAUGHLIN (White)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
EDDIE THOMAS (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
SMITH TIGGS (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
OSCAR AKENS (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
JIMMIE LEE BLAKE (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
WOODROW WILLIAMS (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
WILLIE B. BROWN (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
HAROLD L. FRANCIS, SR. (Colored)
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.
JAMES MORGAN (Colored)
Indicted for Murder in the Second Degree

STATE OF FLORIDA vs.
BOOKER T. MARSHALL (Colored)
Indicted for Manslaughter

STATE OF FLORIDA vs.
MABEL JOHNSON (Colored)
Indicted for Manslaughter

STATE OF FLORIDA vs.
MAMIE LEE JOHNSON (Colored)
Indicted for Manslaughter

STATE OF FLORIDA vs.
KENNETH LEDANE and
JAMES CHOROMOKES, JR. (White)
Indicted for Rape.

STATE OF FLORIDA vs.
RALPH McCULLOUGH and
PRICE McCULLOUGH (White)
Indicted for Statutory Rape

STATE OF FLORIDA vs.
ROBERT SADLER (White)
A No True Bill

STATE OF FLORIDA vs.
CHARLES M. CROYE and
WALTON ADAIR SMITH (White)
A No True Bill

ANDREW PAGEY (STATE OF FLORIDA
vs. ANDREW PAGEY) (White)
Indicted for Operating a Gambling House

STATE OF FLORIDA vs.
DAVE B. YOCUM (White)
Indicted for Operating a Gambling House

STATE OF FLORIDA vs.
BOBBY ENNIS (White)
Indicted for Operating a Gambling House

STATE OF FLORIDA vs.
JACK LEROY (White)
Indicted for Operating a Gambling House

In addition to the routine matters presented to the Grand Jury by the State Attorney, the Grand Jury has made an extensive investigation and study of crime conditions

existing in this County. With the exception of the enforcement of the laws against gambling, the criminal laws have been enforced in Dade County in a manner that cannot be considered unsatisfactory. Some of the law enforcement agencies in Dade County operate with efficiency and are proficient in enforcing various of the criminal laws of this State. The Criminal Investigation Department of the Sheriff's office is without sufficient personnel and equipment necessary to properly and efficiently handle the multitude of work with which it is confronted in a county of the size of Dade. The Grand Jury recommends that the facilities and personnel of the Criminal Department of the Sheriff's Office be increased to a status compatible with the task with which it is confronted.

The periodic arrest of bookmakers and other gamblers in Dade County by law enforcement officers, many of whom plead guilty and pay a fine periodically, would indicate that these laws were used as a means of licensing the gamblers and producing revenue. No attempt is made to apprehend and prosecute the real owners and operators of these gambling establishments. The true owners and operators are not brought to the bar of justice. Criminal prosecutions are instituted usually against a single stooge of the real gamblers.

The City of Coral Gables is a notable exception to this finding of the Grand Jury, and there are, perhaps, a few other smaller communities in Dade County in which the gambling laws are enforced. In the City of Coral Gables the laws against operating gambling houses, bookmaking, Cuba, Bolita and other similar types of gambling are strictly enforced, with the result that such gambling does not exist today in Coral Gables and has not existed in that City for many years. The City of Coral Gables is able to survive without revenue from illegal gambling obtained by a tacit licensing of gambling by law enforcement officials. The example set in Dade County by the City of Coral Gables refutes and gives the lie to the contention of those who say that gambling laws cannot be successfully enforced in Dade County, and the example set by the City of Coral Gables should be followed by all municipalities in this County, and likewise by Dade County officials.

The refusal of law enforcement officers in this County to enforce the gambling laws is not something new, but it is in accordance with a so-called "liberal policy" that has been indulged in by law enforcement officials of this County for many years. This policy is a spurious one and has always been without justification, and the time is at hand when it should be condemned and discarded.

Greater Miami, which includes most of Dade County, is a great metropolitan city and is not in need of a few thousand ill-gotten dollars derived from gambling fines with which to operate its County and various municipal governments. It is a well established fact that open and notorious violations of the law, such as illegal gambling in Dade County, tends to corrupt public officials and weaken the entire law enforcement structure. This Grand Jury finds that by reason of the so-called "liberal policy" and the resulting open and notorious gambling in Dade County that law enforcement and the morale of many of those charged with enforcing the law is materially weakened. The Grand Jury recommends that those charged with the enforcement of the laws in Dade County perform their duties by enforcing the gambling laws of this County vigorously and impartially, and recommends to the people of Dade County that they become vigilant in their attitude towards law enforcement, and demand of their public officials enforcement of the gambling laws of this State.

The Grand Jury finds that law enforcement in the City of Hialeah is in a deplorable condition. The Police Department of that City is wracked with politics and the morale of the Police Department is at a low ebb. The Grand Jury believes that the conditions affecting the Police Department in Hialeah are largely chargeable to the failure of the present Chief of Police of that municipality, and his inability to command respect of the police officers, and his failure to maintain the morale of the police force.

The Grand Jury is reliably informed that the Charter of the City of Hialeah provides that the Mayor shall appoint the Chief of Police with the advice and consent of the City Council.

We are further advised that the present Chief of Police, although he has been ap-

pointed by the Mayor, notwithstanding, has never been confirmed by the Council. It seems to this Grand Jury that the present Chief of Police of Hialeah is, at most, nothing more than acting Chief of Police.

Therefore, inasmuch as there is an inference that the Chief of Police of Hialeah is not acceptable to a majority of the Council, it is the duty of the Mayor to withdraw the appointment and make a new appointment of a reputable, qualified and experienced law enforcement officer who would be acceptable to the City Council of Hialeah.

The Grand Jury recommends that the next succeeding Grand Jury take up the matter of investigation of law enforcement in Dade County at the point reached by this Grand Jury at the time of the expiration of its term. This Grand Jury has spent considerable time, and has gone to considerable expense in making investigations, and has had reported and transcribed the testimony of numerous witnesses before the Grand Jury who testified about the matter of law enforcement in Dade County. It is believed that the next succeeding grand jury could obtain valuable information by apprising itself of the contents of such reported and transcribed testimony, and by obtaining first-hand knowledge and information of the work which has been carried on by this Grand Jury.

This Grand Jury believes that each grand jury hereafter impaneled in Dade County should, upon the conclusion of its term, appoint a committee of its members to appear before its successor grand jury and advise its successor as to all pertinent matters carried on by the former grand jury, and make such recommendations directly to the succeeding grand jury as it may deem to be proper and for the best interests of the people of this County and State.

This Grand Jury made a thorough inspection of the Dade County Jail, and we found that the Jail is not operated in accordance with what the Grand Jury believes to be the minimum requirements for the treatment of prisoners. We do not place the blame for this condition on the Jail solely upon the Sheriff of Dade County, for the reason that we feel that legislation is needed to correct

existing evils by providing minimum standards for the treatment of prisoners.

We recommend that the Dade County Legislative Delegation seek to enact laws at the next Session of the Legislature of the State of Florida to provide the following:

(a) That minimum dietary standards for feeding the prisoners in the County Jail be prescribed by the State Board of Health, and that it be mandatory that County prisoners be fed in accordance therewith.

(b) That the State Board of Health prescribe health and sanitation rules and regulations for the County Jail, to be observed by the Sheriff and his Jailer.

(c) That the County Jail be inspected at regular intervals by the State Board of Health, for the purpose of enforcing compliance with the minimum dietary requirements and the sanitary rules and regulations prescribed for the County Jail.

(d) That in the event the amount of money now fixed by law to be used by the Sheriff for feeding prisoners is insufficient to comply with the minimum dietary requirements of the State Board of Health, that in such event the Board of County Commissioners shall appropriate sufficient money to supplement the funds provided the Sheriff, upon the necessity therefor being established by competent proof made to the Board of County Commissioners.

MILEAGE FOR GRAND JURORS

The laws of the State of Florida provide that the Grand Jurors shall receive an attendance fee of \$3.00 for each day served, plus five cents per mile for every mile necessarily traveled in going to and returning from Court by the nearest practical route. A long standing opinion of the Attorney General has construed this to mean Grand Jurors cannot lawfully receive more than one mileage charge going to Court and one mileage charge returning from Court after discharge, regardless of how many days they served.

Neither the pay nor the mileage provided is adequate to compensate the members of the Grand Jury for their responsibilities, time and expense spent in transacting the County's and State's business.

We recommend that the Dade County Delegation, at the next Session of the Legislature,

provide for adequate pay for each day served, and compensation for each and every mile necessarily travelled in going to and returning from Court each day by the nearest practical route.

ACKNOWLEDGEMENTS

We take this occasion to express our trust and confidence in the integrity, legal ability and prudence of State Attorney Glenn C. Mincer and his Assistants, John W. Prunty and Harvie S. DuVal. They have pursued the State's business and litigation in a prompt, intelligent and aggressive manner. The legal staff of the Office of the State Attorney, assisted by secretaries Hazel Rodgers and Erma Carter, has at all times given this Grand Jury immediate, efficient and wholehearted cooperation.

Also, we wish to thank all the public officials and witnesses who have testified and cooperated with this Grand Jury, for their assistance.

There being no further business to come before the Grand Jury, we submit this, our Final Report, declare this Grand Jury recessed and to be discharged as provided for by law.

DATED and filed this 8th day of May, 1950.

Respectfully submitted, *

HORACE L. ALEXANDER,
Foreman

CHARLES J. CARTWRIGHT, JR.
Clerk