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

WINTER TERM, A. D. 1951

FINAL REPORT
OF THE GRAND JURY

FILED

May 7, 1951

CIRCUIT JUDGE PRESIDING
Grady L. Crawford

OFFICERS AND MEMBERS OF THE GRAND JURY

James M. Hoffman, Foreman

Eitel E. Stockwill, Vice Foreman

Gilbert J. Banks, Clerk & Treasurer

J. W. Daughtery

Fred A. Bogot

Helen Da Hanner

Marie M. Altemus

H. M. Woodward

Melvin Hackett

Walter R. Rogers

Jesse E. Gossman

Dale B. Edwards

Wm. F. Theobald, Jr.

T. R. Russell

Albert F. Duffield

Elmer S. Wheeler

Charles E. Dunn

Alex Seltman

Vincent B. Nolan

William J. Arnold

Edward H. Berg

Arthur C. Black

Samuel B. Heaton, Jr.

STATE ATTORNEY
Glenn C. Mincer

ASSISTANT STATE ATTORNEYS

Harvie S. DuVal

Arthur A. Carlson

OFFICIAL COURT REPORTER
Henry E. Colman

OFFICIAL BAILIFF
Earle Shyrer

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

Winter Term, 1951

FINAL REPORT OF THE GRAND JURY

TO THE HONORABLE GRADY CRAWFORD, CLERK JUDGE OF
THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA:

INTRODUCTION

We, the Grand Jury in and for Dade County, Florida,
for the 1951 Winter Term of the Circuit Court of the Eleventh
Judicial Circuit of Florida, present this final report.

We were empaneled by the Honorable Judge Grady Crawford on February 13, 1951. His instructions to us as to duties and powers were full, intelligible and complete. Nevertheless as "freshmen" jurors we did not at once recognize the tremendous power for good invested in us - this knowledge came only with time and experience. We now know, at the conclusion of our term, that the Grand Jury is the one great public body which can adequately and constantly guard the welfare of the people of the community. The average citizen is unaware that it is his right and privilege to ask for and receive audience and hearing before the Grand Jury to right

any wrong under which he suffers, and it is our thought that this information should be disseminated through such sources as may be available.

In this and all matters relating thereto we thank Judge Crawford for his willing and able advice.

Mr. James M. Hoffman was appointed Foreman of the Grand Jury, and Mr. Eitel E. Stockwill was named Vice-Foreman. Following the charge by Judge Crawford the Grand Jury organized and elected as Secretary-Treasurer Mr. Gilbert J. Banks. The Grand Jury held a total of twenty-five (25) meetings. We have filed three partial reports, in addition to which we are now filing our final report. In all a total of twenty-three indictments were returned.

CRIMINAL CASES

We have considered twenty criminal cases involving twenty-three defendants, and have disposed of these cases by the following action:

STATE OF FLORIDA vs. HAROLD GEO. BLATCH (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. GLADYS MAJOR (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. EDWARD COCO (WHITE)
Indicted for First Degree Murder

STATE OF FLORIDA vs. ETTORE LaSPINA (WHITE)
Indicted for First Degree Murder

STATE OF FLORIDA vs. JOHN ASHLEY (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. ELIZABETH BROWN (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. DOTSIE LIGHTFOOT (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. MARY RUTHERFORD (COL)
Indicted for First Degree Murder

STATE OF FLORIDA vs. HENRY M. CLARK (WHITE)
Indicted for Rape

STATE OF FLORIDA vs. ROBERT TILLMAN (COL)
Indicted for Manslaughter

STATE OF FLORIDA vs. JOE BURTON (COL)
A No True Bill

STATE OF FLORIDA vs. HENRY T. CORNISH (COL)
A No True Bill

STATE OF FLORIDA vs. SHELDON GREENBERG (WHITE)
A No True Bill

STATE OF FLORIDA vs. R. S. McLEROY
Indicted for Larceny

STATE OF FLORIDA vs. R. B. "BROWNIE" SIMPSON
and R. S. McLEROY
Indicted for Grand Larceny

STATE OF FLORIDA vs. R. S. McLEROY
Indicted for Compounding a Felony

STATE OF FLORIDA vs. JOSEPH "JACK" FRIEDLANDER
and HARRY RUSSELL
INDICTED FOR BRIBERY

STATE OF FLORIDA vs. JOSEPH "JACK" FRIEDLANDER
and HARRY RUSSELL
Indicted for Bribery

STATE OF FLORIDA vs. ALFRED PETRUCCI
Indicted for Bribery

STATE OF FLORIDA vs. J. P. KERSEY and WAYNE PITTMAN
Indicted for Extortion

In addition to the work of indictments for capital crimes and crimes involving felonies, the Grand Jury investigated many matters and short summaries of some of those are given in the following pages:

SHERIFF'S DEPARTMENT

At various times the two men acting as Sheriff, during our term, and members of their staffs appeared before the Grand Jury and we went into the details of the Sheriff's office. As the result of those investigations we are of the opinion that the following should be effected:

1. An increased budgetary allowance to permit the expansion of the organization to that necessary for adequate law enforcement in Dade County. This would be accomplished by increased personnel at remuneration more nearly in line with other groups.

2. A definite training section, self-administered, or failing that, proper provision for all members of the department to be trained at the Police Academy of the City of Miami. Under this also would come instruction in the use and maintenance of small arms such as pistols and rifles.

3. An independent laboratory for criminal research and investigation, employing properly trained personnel.

4. Release the office from the fee system and place under county budget system.

MEDICAL EXAMINER OR CORONER

Immediate provision for the establishment of the office of medical examiner or coroner should be effected. To this office should be referred any and all cases of

death where there is the appearance of suspicion of foul play. It is our opinion that, under the present system, some cases involving criminal liability are not discovered.

GUN PERMITS

The Grand Jury pursued an investigation into the granting of so-called gun permits. These take two forms in different localities, some being straight permits to carry firearms and some being appointments as special officers. We recognize that the issuance of such permits is necessary in many cases, but feel that the granting of the permits should be surrounded by every possible precaution to see that only people of the highest moral character obtain them.

The granting of these permits should be left to the proper police authority and requests for such permits should not be endorsed by city officials. This was particularly drawn to our attention through the fact that a Commissioner of the City of Miami had requested a permit or permits for people who had afterwards proven to be of questionable character with police records. All law-abiding citizens must frown upon such interference with proper police authority.

It is recommended that the various police authorities continue their present plan of investigation before issuing such permits with such added restrictions as may be deemed necessary.

The following "pistol permits" were found to be

active at this time:

Dade County	58
City of Miami	400
City of Miami Beach	282

THE PATTON CASES

The Spring Term 1950 Grand Jury made its report November 13, 1950. On pages 36 to 41, inclusive, of that report is shown the record of indictments returned by that Grand Jury.

The case of State of Florida v. Ben Cohen was summarily dismissed by the trial Judge without submitting it to the jury, and the case of the State of Florida v. five Sheriff's deputies was dismissed in Court when the Assistant County Solicitor refused to go on with it. Thereupon the County Solicitor nolle-prossed and refused to continue with the following cases:

- State of Florida v. Joseph Friedlander and Harry Russell - Bribery
- State of Florida v. Joseph Friedlander and Harry Russell - Bribery
- State of Florida v. Alfred Petrucci - Bribery
- State of Florida v. J. P. Kersey and W. Pittman - Extortion
- State of Florida v. R. B. Simpson and R. S. McLeroy - Grand Larceny
- State of Florida v. R. S. McLeroy - Larceny
- State of Florida v. R. S. McLeroy - Compounding a Felony.

This grand jury, after investigation and hearing of witnesses, believed the evidence was such that these cases should have been prosecuted. Therefore, they re-indicted all concerned in the seven original indictments. It is our thought that these cases should now be brought to speedy, impartial and unprejudiced trial.

NEPOTISM

Charges of nepotism on the part of County officials were investigated and found to be without foundation.

FLORIDA STATE RACING COMMISSION

Mr. Leo Edwards, Chairman of the Florida State Racing Commission, was interrogated by the Grand Jury. It is the recommendation of the Grand Jury that all minutes of meetings of the Racing Commission be made public records. Further, we are of the opinion that re-instatement of those barred from the tracks be a matter of some careful investigation before the actual re-instatement becomes effective.

Other matters of a nature which may not be discussed were also partially investigated. The limited time at the disposal of the Grand Jury precluded the culmination of several investigations which were begun.

STATE ATTORNEY AND COUNTY SOLICITOR

The offices of State Attorney and County Solicitor definitely should be combined. While our term of office

has been too short for us to realize all of the disadvantages of these two offices being maintained separately, we have seen and heard enough to convince us that the combining of the two offices would seem almost mandatory. In this regard we feel that the power placed in the hands of the County Solicitor is too great for one man to have under our system of government. The situation is one which might lend itself to great abuse and serious miscarriage of justice. The combining of the two offices under a District Attorney, with all cases involving penal servitude referred to a grand jury or grand juries, would more adequately expedite justice and preclude the possibilities of improper handling. Cases of serious delay in presenting cases for trial have come to our attention.

It has come to our attention that in both capital cases and cases involving felony investigations there has been a failure to pursue the evidence until it was conclusive. The investigations seem, at times, to go only to the length of investigating one channel and failing to pursue evidence leading in all directions.

EXPENDITURES MADE BY THIS GRAND JURY

At the time this Grand Jury was convened we were told that we had remaining of the \$30,000 allocated to Grand Jury use the sum of \$13,019.60. The details of the Grand Jury account for the fiscal year 1950-51 (October 1, 1950 - September 30, 1951), are as follows:

Amount available October 1, 1950	\$30,000.00	
(1) Spring Term (May 9 - Nov. 13, 1950), Spent	6,349.88	
(2) Fall Term (Nov. 14 - Feb. 12, 1951), Spent	10,630.52	
Unpaid Bills	1,130.60	
(3) Winter Term (Feb. 13 - May 7, 1951) Available	11,889.00	
	<u>\$30,000.00</u>	<u>\$30,000.00</u>

Of the \$11,889.00 available for the use of this term of the Grand Jury and the Spring Term which follows, we have spent: -

Investigation (allowance to Sheriff)	\$ 2,000.00
Reporter's fees	953.11
Lawyer fees	500.00
Special investigation (Allowance to State Atty) . .	<u>158.10</u>
	\$ 3,611.21

This leaves a balance of \$8,277.79 for the succeeding Spring Term. We feel that our example in economy may well be a lesson to other governmental departments.

ROTATING GRAND JURY

At one time the Grand Jury had instructed the State Attorney to prepare a bill for the legislature covering the "rotating" or continuing Grand Jury. In this plan it had been proposed that some members of a Grand Jury hold over and become members of the succeeding Grand Jury. However, it is now understood that the present legislature sitting in Tallahassee has passed a bill doing away with one three-

month term of the Grand Jury of Dade County and extending remaining three-month term to six months. This will give Dade County a continuous grand jury sitting twelve months a year in two terms of six months each. This may effect the advantages sought by the other system, so the matter was brought to a conclusion.

In general a grand jury should be composed of men who can afford the time and who have some background of civic understanding and education.

GRAND JURY QUARTERS

This Grand Jury reports with some indignation that it feels that quarters supplied for its occupancy, deliberations and hearings, are woefully inadequate and totally beneath the dignity of such a body. The room occupied by twenty-three members of the Grand Jury, the State Attorney and Assistant State Attorney, the Court Reporter and the witness and the Attorney for the Grand Jury (28 persons in all), is one which might comfortably accommodate four persons. The room is about 15 feet by 28 feet in size. Ventilation is totally lacking, toilet rooms are non-existent, drinking water is inadequate and sound conditions are terrible. In a private business or office we feel that people working under such conditions might well complain to the Board of Health for relief. This is especially true in that these grand juries meet frequently and at times for extended sessions. We

strongly recommend that more adequate provision be made for the succeeding grand juries.

CRIME COMMISSION OF GREATER MIAMI

The Grand Jury recognizes the very valuable work accomplished by the Crime Commission of Greater Miami and wishes to compliment them upon their vigilance and the important part which they played in the formation of the crime investigation committee of the United States Senate, commonly known as the "Kefauver Senate Committee."

LEGISLATION

As to possible legislation affecting Dade County we can only repeat much of what has been recommended previously. In fact these items have been so well summed up by the Fall Term, 1950 Grand Jury that they will bear repeating here:

1. The Sheriff of Dade County should be subject to recall by the electors of the County;
2. Those elected to public office should be required to give statements of their net worth beginning with the day of their election and periodically thereafter;
3. Managers and operators of any type of business should be deprived of their occupational and other special licenses to transact business in the event illegal gambling enterprises are permitted on the premises in which such businesses are operated or managed.

4. Racing information by whatever means conveyed, whether by wire, radio, telephone, newspaper and other signaling or communication devices, should be closely controlled, restricted and regulated;

5. Race tracks and other legalized gambling operations should be closely regulated and controlled in order that undesirable individuals may be eliminated as stockholders, officers or employees of such race tracks or other legal gambling institutions;

6. The records of the Racing Commission should be declared to be public records and open at all times for inspection by any member of the public;

7. The recovery of gambling losses should be permitted by individuals who can show that the money so lost in gambling did not belong to the party losing the same, but to the party seeking to recover and that the money was used in gambling and that the loss occurred without the knowledge and consent of the real party in interest; and

8. The terms of office of the County Commissioners of Dade County, Florida, should be staggered in order to permit the citizens of Dade County, Florida, to have the benefit of experienced personnel continuing on the Board of County Commissioners at all times.

ACKNOWLEDGMENTS

The Grand Jury wishes to express its deep appreciation of the assistance and kindly advice given to it by the following:

Honorable Grady Crawford, Judge of the Circuit Court;

Honorable Glenn C. Mincer, State Attorney;

Mr. Harvie S. DuVal, Asst. State Attorney, and

Mr. Arthur A. Carlson, Asst. State Attorney.

Respectfully submitted,

DADE COUNTY GRAND JURY
WINTER TERM, 1951.

By J. M. Hoffman
FOREMAN:

DATED this 7th day of May, 1951.

Gilbert J. Banks, Clerk.