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Miami Police Officer Charged In Overtown Cyclists' Deaths

January 24, 1989 | By LUISA YANEZ, Miami Bureau

MIAMI -- The police officer whose fatal shooting of an unarmed black motorcyclist last week sparked three nights of racial violence was arrested on Monday and charged with manslaughter.

Officer William Lozano, 29, turned himself in at the Dade County Jail shortly after 5 p.m., where he was booked on two counts of manslaughter with a firearm. He posted \$10,000 bail and was released about 30 minutes later.

Lozano, who also was suspended without pay from his job, was charged by the Dade State Attorney's Office a week after the deaths of motorcyclists Clement Anthony Lloyd, 23, and Allan Blanchard, 24, in Overtown.

On Jan. 16, Lozano, a Colombian immigrant, shot and killed Lloyd while the motorcyclist was being chased by another officer. Lloyd was shot in the forehead and died instantly. Blanchard, Lloyd's passenger, died the next day of injuries suffered when the motorcycle crashed.

The fatal shooting, which occurred on the holiday marking the birthday of Dr. Martin Luther King Jr., ignited rock-throwing, looting and fires in Overtown and nearby Liberty City, causing an estimated \$1 million in damage and one other death.

Dade State Attorney Janet Reno said on Monday that her office conducted an intensive investigation with the Miami Police Department and decided to charge Lozano with manslaughter. She said murder charges were unwarranted.



The Miami River Cops Case

The most corrupt case in the
history of the Miami Police
Department.

ARTHUR E. TEELE JR. | 1946-2005

TRAGIC END FOR TEELE

EX-COMMISSIONER KILLS HIMSELF IN HERALD LOBBY



OW, GERRITSMAN/STAFF

LEGAL WOES: Teele was indicted five days ago.

TO OUR READERS

We are deeply saddened by the tragic death of former Miami City Commissioner Arthur E. Teele Jr.

Mr. Teele served South Florida for more than two decades in public life at the federal and local levels. He played a crucial role in many significant South Florida projects that continue to benefit our community.

All of us at the Miami Herald Publishing Co. wish to extend our sympathy to Mr. Teele's family and many friends at this difficult time.

José Díaz Jr.,
Herald publisher



AP Photo/Chris Wedel

AFTER SHOOTING: Miami police officers lean over former Miami City Commissioner Arthur E. Teele Jr. on Wednesday in The Herald building. Teele shot himself just as police arrived; then died less than two hours later at Jackson Memorial Hospital.

The graphic nature of this photograph will no doubt be disturbing to some readers, but The Herald believes it is an essential element in the reporting of this tragic story.

Tom Fiedler, executive editor

Former official faced fraud charges

Former Miami Commissioner Arthur E. Teele Jr. shot himself in the head Wednesday as police arrived at The Herald building.

BY LUISA YANEZ,
CAROL ROSENBERG,
MAT THEM I. PINCUS
AND SCOTT HALLMAN
luisa@herald.com

Former Miami Commissioner Arthur E. Teele Jr. — politically humiliated and facing two indictments with more to come — walked into the lobby of The Herald building Wednesday evening and shot himself in the head. He died less than two hours later at Jackson Memorial Hospital.

REACTION: Community expresses shock, 27A.
DEFEDE FIRED: Criminal dismissed over tapping of phone calls, 26A.

Wearing a dark blue suit, a light-blue shirt and a crimson tie, Teele walked one block from the Plaza Venetia to The Herald at 7:56 p.m. carrying a green canvas bag. He shook the security guard's hand and asked him to relay a message to Herald columnist Jim Defede.

Felix Narco, 35, the security guard, said Teele told him:

• **TURN TO TEELE, 25A**

HERALD.COM: Click on Today's Extras for previous coverage of Teele's legal issues.

CAREER

Politician rose to power then fell from grace

Art Teele left a legacy as a combative and controversial force in Miami-Dade politics, serving for almost two decades.

BY TERE FIGUEROA-SHINETTE,
LESLIE CLARK
AND MICHEL VASQUEZ
lclark@herald.com

An imposing, brilliant and canny figure in Miami's sharp-elbowed political scene, Arthur E. Teele Jr. landed in

Miami with aplomb, pledging to be the voice of the city's poor. But he frequently found himself at the center of a mud-sorm of controversy.

The one-time Reagan-era appointee at the U.S. Department of Transportation won

two terms on the Dade County Commission in the 1990s — and was elected its powerful chairman three times. He withstood a bitter loss when he ran for county mayor against a rising Alex Penelas, but staged a remarkable sec-

ond act, rebounding as a Miami city commissioner — powerful enough to survive an effort to recall him from office.

Long haunted by financial woes and improprieties — he

• **TURN TO POLITICAL, 25A**

March 21, 2004

When Prosecutors Err, Others Pay the Price

By ANDREA ELLIOTT and BENJAMIN WEISER

Milton Lantigua, a 20-year-old man who helped his grandfather sell clothing from a van, insisted he was innocent when the police charged him with fatally shooting a man on a Bronx street in 1990. He was still insisting a year later, when the jury could not reach a verdict, and a year after that, when he was tried again, convicted and later sentenced to 20 years to life.

It was not until 1996, after Mr. Lantigua had served about five years in prison, that the criminal justice system came around to his view. A state appeals court reversed his conviction, saying that prosecutors in the Bronx had allowed their chief witness to perjure herself, and had failed to disclose the existence of a potential second witness who might have helped the defense.

New York State paid Mr. Lantigua \$300,000 to settle a lawsuit over his wrongful conviction, but no prosecutors paid a professional price.

The Lantigua case is one of a handful of Bronx cases in the last 15 years in which serious misconduct or error by prosecutors has led to wrongful convictions and people sent to prison. District Attorney Robert T. Johnson and his aides say that none of their prosecutors have engaged in deliberate misconduct, and that the reversals - which they say are often made on minor, technical points - represent less than 1 percent of the hundreds of felony convictions won by the office each year.

Yet in all but one of the handful of cases, in which the misconduct and mistakes ranged from inappropriate closing arguments to the failure to disclose critical evidence, prosecutors escaped discipline. They were neither punished by their superiors nor publicly sanctioned by the State Supreme Court committee that investigates wrongdoing by lawyers. Many continued to receive merit raises and rise through the ranks.

In one heralded case, a day care teacher, Alberto Ramos, was convicted of raping a young girl and served seven years in prison before it was revealed that prosecutors had failed to disclose information that cast serious doubt on the girl's accusations. After Mr. Ramos's conviction was vacated, the city paid him a \$5 million settlement in December, and his lawyer sharply questioned the Bronx's record in disciplining prosecutors. The lawyer, Joel B. Rudin, recently provided The New York Times with the internal personnel records of more than 70 Bronx prosecutors in cases in which courts cited errors, misjudgments and other forms of prosecutorial misconduct.

An examination of those records, and interviews with prosecutors, current and former defense lawyers and defendants, offer a rare look at prosecutorial wrongdoing: how it happens, the costs that are paid - both human and financial - and what, if anything, is ever done to those responsible.

"Most of the time, when prosecutors withhold evidence, no one finds out about it," said Mr. Rudin, who

Herald Editorial: TOUGH LAWS CAN GO SERIOUSLY AWRY

• Posted on Mon, Sep. 24, 2007

- On the surface, Richard Paey's heartbreaking story is about a man who broke the law to relieve excruciating back pain he suffered after a car wreck. His story took a positive turn last week when Gov. Charlie Crist and the Florida Cabinet granted Mr. Paey a full pardon and freed him from prison. That's the best thing that has happened to Mr. Paey since the 1985 crash shattered his life and legal career. Thanks to Gov. Crist and the Cabinet for, finally, ending this miscarriage of justice.

- Beneath the surface, Mr. Paey's story is really about what happens when bad law and overzealous prosecutors combine to produce a disastrous outcome. Here's what can be learned from Mr. Paey's odyssey of pain:

- **Mandatory** minimum sentences don't always work. State lawmakers should use this case as Exhibit A in a campaign to change Florida's mandatory-minimum sentencing law. The law eliminates judicial discretion and ties judges' hands, sometimes forcing them to ignore extenuating circumstances.

- In this case, a judge with punishment options could have sentenced Mr. Paey to community service for filing false prescriptions instead of the mandatory 25-year sentence he got for drug trafficking. There was no evidence at trial that Mr. Paey did anything but consume the pills he bought; no evidence at all that he sold or trafficked in drugs.

- Police and prosecutors must understand that their job is not only to prosecute, but also to seek justice. This case became a contest of wills. Mr. Paey insisted that he needed the prescription pills for pain. Police and prosecuting attorneys insisted that no one could consume the amount of pills that evidence showed Mr. Paey possessed. Therefore, he must be selling them. To reach this conclusion, though, prosecutors had to ignore the fact that months of surveillance produced no evidence of drug selling.

- Here's what appellate court Judge James Seals had to say after reviewing the case:

- **“I suggest that it is unusual, illogical and unjust that Mr. Paey could conceivably go to prison for a longer stretch for peacefully but unlawfully purchasing 100 oxycodone pills from a pharmacist than had he robbed the pharmacist at knife point, stolen 50 oxycodone pills, which he intended to sell to children waiting outside, and then stabbed the pharmacist.”**

- And this: “Mr. Paey's argument about his sentences does not fall on deaf ears, but it falls on the wrong ears.”

- Gov. Crist and the Cabinet listened and took action. Now Florida lawmakers should rewrite the mandatory-minimum law. **Being tough on crime is nothing if it means forgetting about fairness and justice.**

Real Life Cases

- Who is Mike Nifong?
- Who is Wilton Dedge (Port St. John, Brevard County)?
- Who is Larry Peterson (Burlington County, New Jersey)?
- Who are Michael Evans and Paul Terry (Cook County, Chicago)?
- Who is Todd Neely (Martin County, FL)?
- Who are James Curtis Williams and Raymond Jackson (Dallas, Texas)?
- Who is James Lee Woodard (Dallas, Texas)?
- Who is James Joseph Richardson (Arcadia, FL)?

Mike Nifong

“Durham County District Attorney Mike Nifong has come under increasing criticism in the prosecution of three Duke Lacrosse players.”



State Bar Files Ethics Complaint Against Mike Nifong

- Raleigh — The North Carolina State Bar has filed an **ethics complaint** against Duke lacrosse prosecutor Mike Nifong.

The 17-page complaint accuses him of breaking four rules of professional conduct when speaking to reporters about the high-profile case. The complaint lists more than 100 examples of public statements Nifong made to the media, including WRAL, since March.

Among the rules, the bar complaint says Nifong violated is a prohibition on making "comments that have a substantial likelihood of heightening public condemnation of the accused."

Another of the rules Nifong was charged with breaking forbids "**dishonesty, fraud, deceit or misrepresentation.**" The bar said that when DNA testing failed to find any evidence that any lacrosse player raped the accuser, Nifong told a reporter the players might have used a condom.

According to the bar, **Nifong knew that assertion was misleading**, because he had received a report from an emergency room nurse in which the accuser said her attackers did not use a condom.

Nifong has come under mounting scrutiny for the way he has handled the investigation, in which a 28-year-old exotic dancer initially claimed she was raped at an off-campus lacrosse party in March.

Three lacrosse players—David Evans, Collin Finnerty and Reade Seligmann—were later indicted on charges of first-degree rape, first-degree sexual offense and first-degree kidnapping.

In a statement, the bar said it opened a case against Nifong on March 30, a little more than two weeks after the party, and it found on Oct. 19 after an investigation that there was reasonable cause to refer the case to the bar's Disciplinary Commission for trial.

Michael Byron "Mike" Nifong (born September 14, 1950) is a former [North Carolina](#) attorney.^[2] He was the [district attorney](#) for [Durham County, North Carolina](#) (the state's 14th Prosecutorial District) but was removed and disbarred due to court findings concerning his conduct in the [2006 Duke University lacrosse case](#).^[3] Observers consider several criminal justice bills passed by the North Carolina legislature later that same year to have been influenced by Nifong's actions in the Duke lacrosse case.^[4]

8-The Florida Bar News/January 1, 2006

Lawmakers apologize for wrongful incarceration

By Jan Pudlow
Senior Editor

Finally, Wilton Dedge received from legislators what he has never gotten from prosecutors who twice sent him to prison for a rape he didn't commit: a face-to-face apology.

Add to that \$2 million to help him start his life over again after 22 years wrongly incarcerated, free tuition to state universities, a standing ovation from senators, and 44-year-old Dedge's quest for justice ended December 8 on the last day of the special session.

Even though he said no amount of money can fix what happened to him, it was a semblance of overdue justice—for himself, that is.

Dedge, a soft-spoken and somber man from Port St. John in Brevard County, has always maintained that true justice will not come until Florida devises a better system to exonerate and compensate other innocent people wrongly incarcerated.

Part of that process is removing the current July 1, 2006, deadline for DNA testing, the scientific breakthrough that eventually unlocked the prison cell for Dedge.

Dedge got a chance to personally tell that to Jeb Bush when the governor signed the bill into law December 14.

"Mainly, I wanted to make sure he stays on top of doing away with the DNA deadline and trying to get some type of funding for the Innocence Initiative," Dedge said the day after his 10 minutes with the governor, referring to the Tallahassee project run on a shoestring budget by lawyer Jenny Greenberg, who is still trying to sift through about 1,000 cases in the basement of the attorney general's office building.

"Actually, the governor said he'd look into it. He said he'd get back in touch. I also asked him, 'Why aren't they pursuing the case, to find out who did it?' It just seems like a common-sense thing to do," said Dedge, who was only 20 when he was arrested for the 1981 rape.

"Whenever somebody is proved innocent, they shouldn't have to wait a year or

two. It should be almost automatic. They should look at what went wrong. We are supposed to have the best system. Let's make it better."

Dedge knows all about waiting.

Dedge had asked for DNA testing when he first read about it in the newspaper in 1988. It took a decade after the Innocence Project first sought DNA testing and three years after the test actually cleared Dedge as the rapist before he was finally set free in August 2004.

Ever since, Sandy D'Alemberte, both former president of the ABA and Florida State University, has taken on the Dedge claims case as a pro bono mission. He likened the experience to being trapped in a "house of mirrors." Last year, some legislators urged him to take the claims case to court, despite hurdles of sovereign immunity, and so he did, only to be told by Second Circuit Judge William Gary in August that only the legislature could act.

So it was back to the legislature.

This time around, D'Alemberte said, there was "a real sea change in people's attitudes."

"I think the big thing is people began to understand what it meant for an innocent person to be in prison. I think they came to understand not only the compensation issue, but I am happy to say I think they have also come around very substantially on the DNA-extension issue," D'Alemberte said.

A key person who changed his mind is House Speaker Allan Bense, R-Panama City.

As Dedge stood solemnly in the visitors' gallery, Bense said: "We could have passed this bill last session, and I stopped it. I stopped it because I wasn't convinced it was the right thing to do. I hope you will accept my apologies."

That apology from a powerful politician, Dedge said, came as a surprise.

"It was a very rare thing to publicly admit you were wrong," Dedge said. "We got to talk afterwards and he seemed very sincere."

Dedge was convicted by what D'Alemberte called junk science microscopic hair analysis, testimony of a notorious jailhouse snitch, a discredited dog handler and his wonder dog that supposedly could track cold scents months and years later, and the 17-year-old victim who described her rapist as 6 feet tall and 180 pounds, though Dedge is a 5-foot-5-inch slender man. Jurors also disregarded alibi testimony from six co-workers at an auto body shop who said Dedge was at work at the time of the crime.

In the end, it was the perseverance of a group of pro bono attorneys working with the Innocence Project—including Milton Hirsch of Miami and J. Cheney Mason in Orlando—that made sure DNA testing on physical evidence finally cleared Dedge's name.

"The people who handled the exoneration are willing to waive their attorneys' fees, with the hope that the legislature will do something to fund the future screening [DNA testing on innocence claims]. There's no commitment on the legislature, but at least several people told us they would take a conscientious look at it," D'Alemberte said.

Rep. John Quinones, R-Kissimmee, and Sen. Alex Villalobos, R-Miami, have filed bills to do away with deadlines for DNA testing, even for inmates who were convicted on plea deals.

And Sen. Daniel Webster, R-Winter Garden, chair of the Senate Judiciary Committee, pledged to keep pushing his idea to compensate the taking of a wrongfully incarcerated person's freedom, much the same as the state compensates the taking of someone's property in eminent domain.

"I hope we can come up with a policy, a lasting policy that would be an opportunity to compensate others who may find themselves in the same position as Wilton Dedge," Webster said.

Those efforts are planned for the upcoming regular session. But during the special session, the focus was on Dedge. Rep. Dudley Goodlette, R-Naples, ushered the bill through the House, (which voted 117-2, with Reps. Donald Brown, R-

'Mainly, I wanted to make sure he stays on top of doing away with the DNA deadline and trying to get some type of funding for the Innocence Initiative.'

DeFuniak Springs, and Fred Brummer, R-Apopka, casting the dissenting votes).

"I think the leadership, the speaker of the House, and members generally recognize that the justice system failed Wilton Dedge," Goodlette said. "This is a legislative acknowledgement of that failure. As infrequent as that is, when injustices do occur, I think we have a moral obligation to address this in a forthright manner and to provide some kind of equitable remedy for that injustice."

On the Senate floor, moments before the unanimous 39-0 vote, Sen. Mike Haridopolos, R-Melbourne, the first legislator to support Dedge's cause, asked senators to remember back in their own lives to 1982, when Dedge was first convicted.

"In my case, I was in the sixth grade," Haridopolos said. "As many of us went to bed at night dreaming about an incredible future, which we are enjoying today, the nightmare began for Mr. Dedge. I can only imagine for 22 years. . . he went to bed thinking, in the morning, that this nightmare would end. It will never end. . ."

"I hope today that our actions will send a message that the State of Florida is a compassionate state and that we too make mistakes," Haridopolos continued.

"Hopefully, we can start moving forward so that a case like this may never happen again, with the marvels of DNA evidence. Or if we should be presented a case like this again, we have some direction in which to move."

Convict seeks new trial on basis of flawed hair analysis

By Maurice Possley
Tribune staff reporter

When Larry Peterson, a U.S. Army veteran, was arrested for a 1987 rape and murder in Burlington County, N.J., the only physical evidence that linked him to the crime was six pubic hairs.

At trial, Gail Tighe, a veteran New Jersey State Police forensic scientist, testified that she microscopically compared hairs recovered by evidence technicians to the victim and to Peterson, and concluded that the hairs belonged to Peterson.

The prosecution, in closing arguments to the jury, said the hairs "were a microscopic and physical match" to Peterson.

Now, after spending nearly 18 years in prison, Peterson, 54, is seeking a new trial because DNA tests show that the hair analyst was wrong. The hairs did not belong to Peterson but rather were from the victim, Jacqueline Harrison, whose battered body was found near a soybean field in Pemberton Township, not far from Ft. Dix.

On Friday, lawyers for Peterson are expected to ask a judge to vacate his convictions for rape and murder. Burlington County prosecutors have said that if the DNA tests did not link Peterson to the crimes, they would not oppose the motion, according to court documents filed in the case.

Peterson's lawyer, Vanessa Potkin, an attorney with the Innocence Project, a non-profit organization at the Benjamin N. Cardozo School of Law, that investigates cases of wrongful conviction, said the exposure of Tighe's flawed work is problematic.

"Her work has been used to secure convictions in a number of criminal cases, and this suggests there should be an independent audit of her work to figure out what went wrong in this

case and to determine whether the problem is pervasive throughout her work," Potkin said in an interview Wednesday.

Tighe is still an analyst for the state police crime lab. Lt. Gerald Lewis, a spokesman for the New Jersey State Police, said Tighe was unavailable for comment and that the department would not comment on a pending case.

Officials at the Burlington County prosecutor's office also declined to comment.

DNA exonerations have led to audits of crime labs in Cleveland, Houston and Virginia. The Montana Supreme Court rejected

a request for an audit of scores of cases handled by an analyst who overstated hair analysis testimony.

In the Peterson case, flawed hair analysis was not the only bad forensic work, according to a separate motion filed earlier this year by Potkin.

The DNA tests have revealed the presence of semen from swabs taken from the woman after her body was found. At trial, jurors were told that no semen had been found in her body but that semen found on her clothing came from Peterson.

DNA tests on the semen on the victim's clothing linked it to another man who at the time said he had consensual sex with Harrison earlier that evening.

The DNA profile obtained from the semen from the woman's body is that of an unidentified male and matches a DNA profile obtained from material found under the victim's fingernails, according to Potkin.

The profile was entered into the FBI's national DNA database, which has more than 2.4 million profiles obtained from

more than 100,000 as-yet-identified profiles from unsolved crimes.

There was no match, according to Potkin.

Harrison, 25, was found dead on a dirt road, and authorities said she had been sexually assaulted and strangled. A stick had been jammed down her throat and broken off.

Authorities were able to pinpoint the woman's death to within a two-hour period in the early morning hours of Aug. 24, 1987.

The hair evidence at trial was buttressed by the testimony of three men who claimed weeks after the murder that they heard Peterson talking about the crime and a jailhouse snitch who said Peterson admitted the crime while awaiting trial.

Asked to find Peterson guilty of capital murder, the jury deadlocked, with 10 jurors voting to convict and two voting to acquit. In an apparent compromise, the jury found Peterson guilty of non-capital murder, and he was sentenced to life in prison.

Peterson was the first person in New Jersey to be granted DNA testing under the state's post-conviction testing law passed in 2002.

Potkin said that Tighe had overstated the value of hair comparison evidence, testifying that finding more than one hair that was similar to Peterson's hair "will add to the chances of it fitting into the category of highly likely" that it was Peterson's hair.

"This was a capital murder case," Potkin said. "If the state had had its way back at the trial, Larry Peterson would have been executed by now."

"The prosecution exaggerated the value of the hair comparison in this case," Potkin said. "They went beyond the science. Tighe's work should be reviewed."



Peterson

MICHAEL EVANS and PAUL TERRY

SECTION

4

Chicago Tribune

METRO

CHICAGO

SUNDAY

MAY 25, 2003

'76 murder trial flaws persist

Prosecutors up against the clock and DNA results

By Steve Mills
Tribune staff reporter

When Cook County prosecutors obtained convictions in 1977 against two men for the abduction, rape and murder of 9-year-old Lisa Cabassa, they did it largely with the troubled testimony of just one eyewitness.

Now, after Michael Evans and Paul Terry walked free Friday after prosecutors acquiesced to giving them a new trial, prosecutors again will be forced to rely on the testi-

mony of that one witness, Judith Januszewski.

But this time, Januszewski's testimony—already damaged by her admissions at the original trial that she misled police for six weeks—has been further undermined by DNA testing that excludes Evans and Terry as the sources of semen found on Lisa Cabassa.

Januszewski said she is undeterred and is prepared to testify again.

"Whatever happens in the future, happens," she said in a brief interview Friday. "Whatever I'm required to do or asked to do I'll certainly do."

"But," she added, "I can't say anymore than I did [when I testified]."

Evans and Terry, both 44,

'Whatever happens in the future, happens.'

—Judith Januszewski, lone eyewitness in the 1976 abduction and slaying of Lisa Cabassa

who each spent more than a quarter-century in prison for the January 1976 murder of Lisa Cabassa, were released without posting cash bond Friday after prosecutors abandoned their objections to a new trial in light of the DNA evidence.

Assistant State's Atty. Mark Ertler, however, told Cook County Circuit Judge Dennis Porter that prosecutors planned to take Evans and

Terry to trial again.

"Essentially, under the law, the DNA evidence that has arisen in the course of the post-conviction proceedings was legally enough for a new trial," Ertler said. "The case is now in a pretrial status," he added.

If prosecutors do retry the case, they could face numerous hurdles.

The murder occurred so long ago it will be difficult to develop new evidence or find new witnesses. DNA tests exclude Evans and Terry as well as every other person implicated by Chicago police detectives, including a man Januszewski said she saw standing near Evans and Terry when they allegedly abducted Lisa.

The only other potential

witness, a man who linked Evans and Terry, has repeatedly recanted his testimony, both at the original trial and again in recent interviews with the Tribune and with prosecutors, saying police threatened him. Prosecutors did not even call him to testify at trial.

That leaves Januszewski.

Januszewski, a 33-year-old mother of two working as a secretary at a real estate office at the time, testified at trial she was walking home from work on the night of Jan. 14, 1976, when she saw Lisa struggling with two young men near Saginaw Avenue and 86th Street. She later identified them as Evans and Terry.

PLEASE SEE TRIAL, PAGE 3

TODD NEELY

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The Todd Neely case

TODD PATRICK NEELY, 18, had the "perfect alibi" — a computer-logged restaurant receipt to prove that he was eating dinner with his family 11 miles away when a neighbor was stabbed in 1986. His attorney opted for a nonjury trial. It was a mistake. Mr. Neely was convicted.

Thus began a two-year-plus nightmare of pleadings for judicial review. Dawn finally broke on Monday when Martin Circuit Judge William Frye threw out the conviction. The judge declared that prosecutors had "deliberately and actually suppressed" information pointing to the real culprit.

Four days of damning testimony cataloged the investigative abuses heaped on Mr. Neely, who's now 21. The victim had told police that her attacker was "16, max" and wearing braces. Mr. Neely had never worn braces, but another neighborhood youth — Dennis Raether — did; he also had threatened other residents.

Mysteriously police never questioned Mr. Raether, who, according to testimony, has since told eight people that he was the woman's attacker. Instead, police focused on Mr. Neely and built a case, ignoring exculpatory evidence while trying to show that he could have left the restaurant, com-

AT LONG LAST, JUSTICE

mitted the crime, and returned. The victim was persuaded that she had confused the reflection of a knife for braces. A photo lineup was rigged. A composite drawing that neighbors identified as Mr. Raether, not Mr. Neely, was kept from the defense.

As Judge Frye noted, the testimony at last week's hearing was utterly devastating to the prosecution's case. Assistant State Attorney Richard Barlow's declaration that "nothing we've heard changes our minds" reflects a stubbornness that undermines rather than enhances the judicial system in Martin County and the Treasure Coast. His vow to retry Mr. Neely if the Fourth District Court of Appeal upholds Judge Frye, as can be expected, smacks of intimidation and revenge. It is another extended effort to cover up rather than concede that the case was botched from start to finish.

Having erred once, or been misled, Florida's judicial system has managed to right itself. That is a triumph — for Mr. Neely and for all who value justice. Let Judge Frye's ruling stand.

JAMES JOSEPH RICHARDSON

MAIN CHARACTERS IN THE RICHARDSON CASE



Annie Mae Richardson, 51, is Richardson's fourth wife. She was the natural mother of six of the seven children who died. Three of the children were fathered by Leonard Bryant, James Richardson's half-brother. She has steadfastly supported James Richardson, visiting him in prisons all over North Florida.



JAMES JOSEPH RICHARDSON, 53, has served 21 years in prison for the first-degree murder of his step-daughter, Betty Jean Bryant. She died along with five sisters and one brother on Oct. 25, 1967. Convicted in May 1968, Richardson spent nearly five years on Death Row. In 1973, his sentence was commuted to life, later reduced to 25 years by the Parole and Probation Commission. In prison, he completed Bible study courses and hopes to be a minister.



Betsy Reese, 67, was a baby sitter for the Richardson children the day they died. In recent years, she reportedly confessed to nursing home aides "more than a hundred times" that she killed the children. She is now diagnosed with Alzheimer's disease and is considered mentally incompetent.



Frank Schaub, 67, prosecuted James Richardson. In a 32-year career as either a judge or state attorney, he earned a reputation as a tough opponent. He successfully prosecuted Dr. Carl Coppolino in a celebrated case of murder by lethal injection. Schaub disputes allegations that prosecutors withheld evidence and allowed perjured testimony. He retired in January.



Frank Cline was DeSoto County sheriff from 1967 to 1980. He was defeated in bid to return to office last year. Richardson's attorneys claim Cline committed perjury in the 1968 trial. Cline maintains that Richardson is guilty of the seven murders.



John "Red" Treadwell III was assistant prosecutor under Schaub and testified at Richardson's trial that a former jail inmate who was shot to death swore Richardson told him he had killed his own children. Treadwell's case file formed the basis of the current investigation. He says he believes Richardson and Reese were co-conspirators in a plot to kill the children.



Griffin



McKeehan



Lane



Rubin

■ **Remus Griffin**, 30, stole the box of documents from Treadwell's office in 1979. He said he was motivated by reasons of charity to help Richardson "the way I would help someone change a flat tire." He gave the box to a woman who kept it for 10 years before a Miami Herald investigation located her. She then passed it on to Richardson's attorney.

■ **Margaret "Maggie" McKeehan**, 35, now of Fort Lauderdale, lived in Arcadia at the time of the Richardson incident and worked as Treadwell's secretary in the 1970s. Her interest in the case was piqued by her discovery of Treadwell's box, containing nearly 1,000 pages of notes, correspondence and interviews with key witnesses. She attempted to alert local news media and author Mark Lane before Griffin — her boyfriend — stole the box.

■ **Mark Lane** is a Washington, D.C., author and attorney who wrote the book *Arcadia* about the Richardson case in 1970. In 1988, Lane became interested again when he learned of a private detective's discovery of Betsy Reese's reported confessions. He obtained Treadwell's box of documents from Richardson's attorney and eventually sent the material to Gov. Bob Martinez with an appeal for clemency. Martinez's office began an investigation that led to the appointment of Dade State Attorney Janet Reno as special prosecutor. Lane's other clients have included Marina Oswald, mother of John F. Kennedy's assassin, and James Earl Ray, who pleaded guilty to killing civil rights leader Martin Luther King Jr.

■ **Ellis Rubin**, 64, is a Miami lawyer who has defended more first-degree murder cases (276) than any attorney in the South. His clients have included Tampa serial killer Bobby Joe Long and a 16-year-old Miami Beach boy, Ron Zamora, who was convicted of the murder of his 80-year-old neighbor despite Rubin's unique "television insanity" defense. In the Richardson case, Lane has worked on media coverage, while Rubin has done most of the legal research.

THE CASE AND THE PLAYERS

- Gerald Purvis
- James Joseph Richardson
- Annie Mae Richardson
- Betsy Reese
- Dorothy Braceley – The trip to Sarasota

FRANK SCHAUB

- State Attorney, 12th Judicial Circuit
- Prosecuted the case against James Joseph Richardson
- Disputes allegations that prosecutors withheld evidence
- Disputes allegations that prosecutors allowed perjured testimony
- He went to his grave professing James Richardson's guilt for these murders

Frank Schaub's Obituary

Frank Schaub, prosecuted child poisoning case

INVERNESS, Fla. — (AP) — Frank Layton Schaub, who won a conviction in the controversial case of fruit picker James Richardson in the alleged poisoning of his children, has died. He was 73.

Schaub, who served 16 years as state attorney for Florida's 12th Judicial District, died Thursday at Citrus Memorial Hospital in Inverness. The cause of his death was not released.

The Mount Vernon, N.Y., native left behind a long career in public office, including stints as Bradenton Beach city attorney and circuit court judge.

But Schaub was best known for a case he prosecuted as state attorney in 1968 against James Richardson, a day laborer from Arcadia. Seven of Richardson's children died after eating pesticide-laced grits. Schaub won a conviction against Richardson in the death



Schaub

DEATHS

of one of the children.

After 21 years in prison, Richardson was released in 1989 after a judge ruled he didn't get a fair trial.

Janet Reno, the U.S. attorney general who was then serving as Dade County state attorney, investigated the case and found Schaub suppressed evidence and allowed perjured testimony during the trial.

Schaub also received a 30-day suspension from the Supreme Court for his conduct in a 1987 murder trial. The Florida Bar had accused Schaub of eliciting improper testimony from expert witnesses, insulting witnesses, ignoring the judge's rulings, and inserting his personal opinions into his questioning.

Schaub was involved in many legal organizations and was the former president of the Florida Prosecuting Attorney's Association.

He was a World War II Navy veteran. He retired in 1989.

His service includes stints as circuit court judge from 1972 to 1984, state attorney from 1960 to 1972 and 1985 to 1989, attorney for the Manatee County Planning and Zoning Commission from 1958 to 1969, city attorney for Bradenton Beach from 1955 to 1958, magistrate for small claims court and justice of peace from 1952 to 1960. He also owned a private law practice in Bradenton from 1949 to 1969. Schaub moved from Bradenton to Inverness three years ago.

Schaub is survived by his wife, Evelyn; three sons, Fred of St. Petersburg, Michael of Holdrege, Neb., and Frank L. Jr. of Tampa; and two daughters, Catherine S. Bradshaw of Pensacola and Marianne S. Armstrong of Dallas.

The visitation is planned today at Griffith Cline Funeral Home on Manatee Avenue in Bradenton. The funeral Mass is Tuesday at 10 a.m. at St. Joseph's Catholic Church.

Although Schaub went to his grave believing Richardson was guilty . . .

- **After** Richardson was **arrested and Indicted**, State Attorney Schaub sent a letter to the Florida Bureau of Law Enforcement dated January 15, 1968, advising:
- The “case has been investigated by DeSoto Sheriff’s Office.”
- “We are in dire need of an investigation . . . By experienced and competent criminal investigators.”
- “There is not sufficient action to justify court action.”
- “If additional information is not developed, the case will be nolle prosequi.”

January 15, 1968

“We must be cautious in our final decision because the newspapers have led the public to believe that Richardson is guilty and sufficient evidence has been obtained to convict him.”

January 30, 1968

Letter from Schaub- “It would appear if no progress is made and sufficient evidence is not found to make a prima facie case, consideration will have to be given to dismissal of these charges.”

February 28, 1968

In a letter from Schaub to Leroy Hill he hints that proof will not be evident and presumption not great if a bond hearing is held.

March 25, 1968

Memo from FBLE Agent to Director Troelstrup upon reviewing the prosecution's file:

“it was apparent, although the Grand Jury had returned a true bill for murder against the named suspect, that there was, in fact, *no substantial evidence* which would support such a conviction in court.”

Trial date is set for June 10, 1968.

Assistant State Attorney, John “Red” Treadwell, III

- Assisted in the prosecution at trial.
- Assisted in taking a number of statements in the initial investigation.
- Sent letter to Leroy Hill dated January 31, 1968 – *“We can get together. . . and go over that evidence we have in an effort to determine whether we have enough evidence to present a prima facie case or whether we should dismiss these charges.”*
- Sent letter to State Attorney Schaub dated February 6, 1968 advising he would be meeting with other investigators *“before the end of the month and determine if we have sufficient evidence to go to trial.”*

ASA Treadwell continued . . .

- Ernest Earnell Washington interviewed by investigator on Monday, 3-4-68. He says he knows nothing about the Richardson case.
- The Sheriff meets with EEW after the interview then talks to Treadwell about probation for EEW on Agg. Ass.
- EEW tells his cell mate, “I done figured out how I’m gonna get out of jail.”
- EEW interviewed by investigator again on Tuesday, 3-5-68. He says now he has information about the Richardson case.
- Treadwell conducts the interview of EEW at the County Jail on March 6, 1968.
- EEW released from jail on March 7th. Gets 3 years probation. Sheriff speaks on his behalf at sentencing.

ASA Treadwell continued . . .

- Treadwell conducted the interview of James Weaver at the County Jail on March 8, 1968
- Preliminary Hearing for Richardson held on March 25, 1968
- State presented testimony from Ernest Ernell Washington and James Weaver
- Richardson's bail revoked and he is taken back into custody

Sheriff Frank Cline

- Maintained that Richardson was guilty
- The searches (every place in and around)
- The non-searches (every place except . .)
- The deaths of Richardson's other children in Duval County
- The insurance receipt (or when is a receipt not . . .)
- The keys to the refrigerator

The State's Case

- THE MOTIVE
 - THE MONEY
- THE MEANS
- THE JAILHOUSE SNITCHES

BETSY REESE

- Where is my present husband?
- I don't have any money to give you for insurance.
- I had my daughter take to the kids to Sarasota.
- No, I did not feed the children lunch.
- Yes, I did feed the children lunch.
- "Don't worry those are my kids they are okay."
- "Oh look Charlie, you found the poison."
- Where are my other husbands?

Our Executive Assignment

- The Place
- The People
- The Paranoia
- The Pupil
- The Patient
- The Process
- The Paternity
- The Pregnancy
- The Prejudice (?)

Clemency hearing set in kids' deaths

By MARK SILVA
Capital Bureau Chief

TALLAHASSEE — James Richardson, a former Arcadia fruit picker imprisoned 20 years for a murder he says he didn't commit, will get a two-hour hearing April 6 on his bid for clemency.

Gov. Bob Martinez and the Cabinet will examine Richardson's claim that he was wrongly accused in the deaths of his seven children and stepchildren, who died Oct. 25, 1967, after eating food laced with pesticide.

Richardson was convicted for one of the murders in 1968 and served five years on Death Row before his sentence was commuted to life in prison.

Dade State Attorney Janet Reno has been appointed as a special prosecutor to examine discrepancies in the case, which Richardson's lawyers insist will prove his innocence. The governor's aides have set aside 40 minutes for Reno to make her report.

Prosecutors from the county where Richardson was convicted — who maintain that he is guilty — will face Miami lawyer Ellis Rubin, representing Richardson, during the remainder of the hearing. Rubin says Richardson will remain at Tomoka Correctional Institution during the hearing.

It will take the vote of the governor and at least three of the Cabinet's six members to approve whatever recommendation arises from the hearing, if any.

WEDNESDAY, APRIL 26, 1989

Father free after 21 years



Poisoning conviction thrown out

Full page of coverage / 18A

By PETER B. GALLAGHER
And CHARLES FLOWERS
Special to The Herald

ARCADIA, Fla. — James Richardson was set free Tuesday by a judge who ruled he was unfairly convicted and sentenced to death 21 years ago in the poisoning deaths of his seven children.

"I feel good," was all the stunned Richardson could utter as DeSoto Sheriff Joe Varnadore escorted him out the back door of the courthouse. Earlier, waiting for the judge's verdict, Richardson told reporters: "God is still No. 1 and don't you forget it."

At the end of a tense, emotional, nine-hour hearing at the DeSoto County Courthouse, Circuit Judge Clifton Kelly threw out the 1968 conviction, which branded Richardson as one of the most heinous criminals in Florida history.

It was but a few blocks from this courthouse, on Oct. 25, 1967, that Richardson's children and stepchildren were struck down after eating a lunch laced with the deadly pesticide parathion. Their father, who was picking oranges 14 miles away, was charged in the crime.

Richardson's conviction, however, was obtained with the "knowing

CHUCK FADELY / Miami Herald Staff

James Richardson rejoices after judge's ruling in Arcadia. His wife, Annie Mae, and attorney Mark Lane are at his side.

Turn to **FREED** / 18A

Conviction Tossed Out!

'68 child-poison conviction tossed out; Richardson free

FREED / from 1A

use of perjury" and the suppression of evidence, said special prosecutor Janet Reno, who outlined a shocking miscarriage of justice in two hours of testimony before a packed courtroom. Reno, Dade County state attorney, was appointed by Gov. Bob Martinez to investigate the circumstances surrounding Richardson's case.

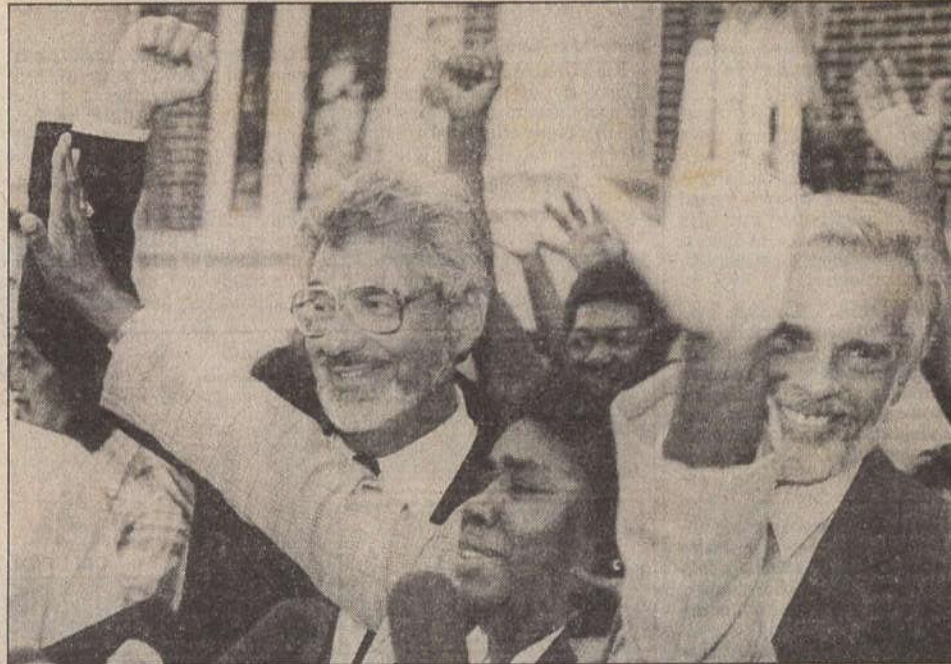
"Mr. Richardson has lost too many years of his life in prison, but my hope is that this decision will give him an opportunity to rebuild," Martinez said in Tallahassee.

"The enormity of the crime — seven children poisoned to death — is matched only by the enormity of the injustice to this man," said Judge Kelly, who was assigned to the case by the Florida Supreme Court.

Kelly gave the state 10 days to decide whether to retry Richardson. Local State Attorney Earl Moreland will review the case, but he has shown little interest in pursuing it.

Kelly released Richardson to the custody of his attorney, Ellis Rubin, of Miami. Richardson was driven to Daytona Beach, where a press conference was scheduled for today.

"There will be no new trial," predicted Mark Lane, the attorney/author who first championed Richardson's cause with his 1970 book *Arcadia*.



CHUCK FADELY / Miami Herald Staff

Annie Mae Richardson is elated as she hears announcement of judge's ruling freeing her husband. She is flanked by attorneys Mark Lane, left, and Ellis Rubin.

Richardson- No New Charges

20A SATURDAY, MAY 6, 1989
THE MIAMI HERALD

FLORIDA NEWS

Richardson won't face new charges in poisonings of his seven children

By CHRISTINE EVANS
Herald Staff Writer

James Richardson, the former fruit picker who endured 21 years behind bars and a dry run in the electric chair before being freed 10 days ago, will not face new charges in the poisoning deaths of his seven children.

Dade State Attorney Janet Reno, appointed by Gov. Bob Martinez to investigate the case, filed a report Friday that said prosecutors relied on perjured testimony and a woefully incomplete sheriff's investigation to convict Richardson.

"It is apparent after a review of all evidence . . . that not only couldn't the state prove that James Richardson was guilty beyond a reasonable doubt, but James Richardson was probably wrongfully accused," Reno

wrote in a 35-page report filed in DeSoto County.

"State attorney Reno and [the Florida Department of Law Enforcement] have done an outstanding job of sifting through a mass of conflicting evidence to free a man who was unjustly convicted," the governor said. "I believe justice has prevailed in this case, and I commend everyone who brought that about."

Richardson, 53, celebrated freedom at his new home, the Dick Gregory Diet & Health Resort in Fort Walton Beach. The former comedian has offered Richardson, who underwent open heart surgery 18 months ago, a 10-year, \$1 million consulting contract.

"It's a wonderful thing to be out here by the beach, taking in the cool

breeze, the waves and the water and to finally see the light," Richardson said. "You hold a person down so long and comes a point when you can't hold him down no more."

"I want to take a swim and admire myself in the water. I will wade in it to be baptized again and refresh my life."

The Arcadia man won release April 25 after retired Circuit Judge Clifton Kelly ruled that he was denied a fair trial in 1968. Arrested in the deaths of seven children, prosecutors tried and convicted him on just one first-degree murder charge.

Richardson's attorney, Mark Lane of Washington, D.C., said Reno's report was "even better than expected. It not only says that they can't prosecute him, but that James

Richardson was probably wrongfully accused. That's very, very rare language."

Miami attorney Ellis Rubin also helped free Richardson, but Lane said he was fired a few days ago after several disagreements.

Reno and two assistants, Don Horn and Richard Shiffrin, criticized the case prosecutor Frank Schaub prepared in 1968.

They found that Schaub and his team relied on the questionable word of three jail-house informants, ignored key evidence that might have cleared Richardson, and failed to pursue leads against baby sitter Betsy Reese and others.

Reese has since been diagnosed with Alzheimer's disease and is considered mentally incompetent.

Oath of Office

- I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that **I will well and faithfully perform the duties of Assistant State Attorney**, on which I am now about to enter.
- So help me God.

- _____

- Signature

- Assistant State Attorney

- Eleventh Judicial Circuit of Florida

-

- _____

- Printed Name & Florida Bar Number

-

- Sworn to and subscribed before me this _____ day of _____, A.D., 2012.

-

- _____

- Circuit/County Court Judge

- Eleventh Judicial Circuit of Florida

Our Charge

- THERE IS NOTHING MORE CRITICAL TO THE PUBLIC TRUST AND THE INTEGRITY OF THE CRIMINAL JUSTICE SYSTEM THAN A PROSECUTOR'S ABILITY TO OBJECTIVELY AND OPENLY WEIGH INFORMATION THAT SPEAKS TO A PERSON'S GUILT OR INNOCENCE. PROSECUTORS HAVE NO MORE IMPORTANT RESPONSIBILITY THAN TO FOLLOW THE FACTS AND LAW WHEREVER THEY LEAD, REGARDLESS OF POPULAR PASSIONS OR POLITICAL CONSEQUENCE.