

**GRAND JURY  
REPORT**

*Fall Term*  
**A. D. 1949**

FOR

**DADE COUNTY  
FLORIDA**

*Filed*  
**13 FEBRUARY 1950**

**WILLIAM L. EBSARY, Foreman**

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

*Fall Term, A. D. 1949*

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WILLIAM L. EBSARY, *Foreman*  
MYRON S. GREENTREE, *Vice-Foreman*  
ALBERTA SCHANDELSON, *Clerk*

BEN MARTIN  
WILLIAM J. SULLIVAN  
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HASBROUCK H. HEFNER  
LONNIE THOMAS  
MILTON J. KLINGER  
NORMAN MEISENHELTER  
LOTUS N. NILES  
BOYD R. TIMANUS  
MRS. MAUD E. MACKRELL

GLENN C. MINCER, *State Attorney*  
JOHN W. PRUNTY, *Assistant State Attorney*  
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, were duly impaneled on the 11th day of January, Fall Term 1949, by the Honorable Charles A. Carroll, one of the Judges of the Circuit Court of the Eleventh Judicial Circuit of Florida. The Grand Jury was in session eleven days.

## CAPITAL CASES

We have considered fifteen capital cases and have disposed of these cases by the following action:

STATE OF FLORIDA vs.  
ELI CASON (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
ROBERT FLOYD (Colored)  
Indicted for Murder in the First Degree

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

STATE OF FLORIDA vs.  
DAVE BYRD and MARY BYRD (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
HUBBARD EVANS (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
USHER CRAWFORD (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
CHARLES CASTLE (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
LEON CORNELIUS CHILDS (Colored)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
JACOB W. ALDREDGE (White)  
Indicted for Murder in the First Degree

STATE OF FLORIDA vs.  
WILLIAM MULLANEY (White)  
Indicted for Murder in the Second Degree

STATE OF FLORIDA vs.  
EVA MAE SMITH (Colored)  
Indicted for Murder in the Second Degree

STATE OF FLORIDA vs.  
CHARLES F. TROUTMAN (Colored)  
Indicted for Rape  
Indicted for Unarmed Robbery

STATE OF FLORIDA vs.  
HUGH JOHNSON (Colored)  
A No True Bill

STATE OF FLORIDA vs.  
CLEVELAND HARRIS (Colored)  
A No True Bill

STATE OF FLORIDA vs.  
HORACE CANADY (Colored)  
A No True Bill

STATE OF FLORIDA vs.  
HARRY PLISSNER (White)  
Indicted for Offering a Bribe

#### THE PRESS AND REUBEN CLEIN

Miami Life, a weekly newspaper, circulated in the Greater Miami area, edited and published by Reuben Clein in the issues of January 28th, and February 4th, 1950 carried press stories reflecting the testimony of witnesses appearing before the Grand Jury and on one occasion reported the indictment of a defendant before the indictment was returned and filed. All this, notwithstanding that the members of the Grand Jury and witnesses were sworn to secrecy.

Based upon these news stories the Grand Jury issued a subpoena for Reuben Clein who was duly sworn and upon being asked the source of his information refused to answer, claiming that by reason of his being a newspaper reporter, the name and conversation he had with his informant was privileged and that he could not be made to disclose the source of his information.

Upon these facts being certified to the Honorable Charles A. Carroll, Circuit Judge, and Glenn C. Mincer, State Attorney, contempt proceedings were instituted which resulted in Clein being found guilty and sentenced to serve 30 days in County Jail.

That the publication by a newspaper of the City, in which a Grand Jury is sitting, of an article tending to obstruct the admin-

istration of justice in proceedings pending is so well settled as to require very little discussion.

Secrecy is essential to the proceedings of a Grand Jury for many reasons. Usually when indictments have been found and presented to the Court, secrecy is extended until the defendants indicted have been arrested.

To warn offenders that their conduct is under investigation by the Grand Jury; that a certain person or persons have or have not been indicted; that certain testimony has or has not been given before the Grand Jury is especially serious when this warning is given in a conspicuous and sensational way in a newspaper. Even when it does not lead to the flight of an offender it may result in the disappearance of material witnesses or documentary proof and thus in failure of the Grand Jury to secure evidence sufficient for presentment or indictment.

Secrecy is also required in order that the reputations of innocent persons may not suffer from the fact that their conduct is under investigation or has been investigated by the Grand Jury.

Secrecy is further required for the protection of witnesses who may go before the Grand Jury to make report of their knowledge of the subject or persons under investigation without fear of their right of privacy and secrecy being violated by uninvited, conspicuous and sensational newspaper stories.

By reason of the above and foregoing, we recommend the Dade County Legislative Delegation draft and sponsor a law providing that witnesses appearing before the Grand Jury be administered and sworn not only to an oath to tell the truth but also to take an oath binding the witnesses to the same degree of secrecy now required of the members of the Grand Jury.

#### RECOMMENDATIONS

Due to the great amount of violent crimes committed in Dade County, with firearms, such as armed robbery, assault with intent to kill and murder, we suggest that a Sullivan law be promulgated such as exists in New York and any person illegally having upon his person, car or home firearms less than 18 inches will be deemed a felony. Unless, that all guns in Dade County be regis-

tered with police or ballistics of all guns be on record so as to easily connect shootings with persons responsible, thereby keeping needless deadly weapons out of hands of hoodlums and juveniles, which seem to be easily accessible when arguments arise among people.

We recommend that the State of Florida delegate to the Florida State Road Patrol the same powers that the State of New York, Massachusetts, etc. do to the State Police, and that the Road Patrol be made into an efficient State Police. This group would be the greatest factor for law enforcement possible in the area.

We feel that the selection system should be changed; that Grand Jurors should serve on a voluntary basis; that they should submit their name with their qualifications in an application to the Clerk of the Circuit Court and in their application, they should agree to serve when called. The Jury Commission should have the applicants thoroughly investigated and only those found qualified should be eligible to serve. A list of at least 500 such qualified applicants should be maintained and Grand Jurors selected from this list by lot. We also feel that the selection of names for a Grand Jury should be made at least two weeks prior to prospective date of their impanelment, and that those selected should be notified at the time of their selection. This would give them time to arrange their personal affairs so that they could devote more time to their jury duties and also time in which to acquaint themselves with their duties, responsibilities, prerogatives, etc. In connection with the latter point, we strongly recommend that a manual for Grand Jurors be prepared and made available to the individual Jurors at the time of their selection, so that when they are impaneled, valuable time will not be lost while they endeavor to learn some of the details of Grand Jury procedures.

That it be mandatory for the County Solicitor to file an information on all indictments passed by the Grand Jury. Also that said cases be prosecuted aggressively.

It would be preferable rather than have the State Attorney, County Solicitor use deputy sheriffs for investigators that the County Solicitor or State Attorney be permitted to employ investigators for his own office.

First, we recommend to the Winter Term (1950) Grand Jury, that before they start any investigations of non-capital alleged violations of the law, they first invite a member of the Grand Jurors Association to speak before them on the Jury's rights to the use of the \$30,000.00 Grand Jury investigation fund. It was this Association who last year originated this fund idea, and then got behind it and pushed it through into a Florida State Law. The Association's attorney, Mr. John Wynn, can answer any questions you have relative to the purpose and use of this \$30,000.00 fund which is at your disposal.

It has come to our attention that there is a severe laxity on the part of police officers in their examination of supposed drunks. We find that there have been cases resulting in death or other serious consequences, resulting from lack of competent medical examination.

We recommend that there be some method whereby all persons suspected of being drunk be examined by a competent medical authority.

This Grand Jury realizes the necessity of investigating and stopping the operation of illegal gambling in all its forms in this County. We failed to promptly study the information contained in former grand jury reports, and unfortunately our investigations were delayed to such an extent that our term of office expired before we could take steps to properly correct this situation.

We disagree thoroughly with the idea that there is a mandate allowing gambling in Dade County, as was expressed by the Sheriff of Dade County in his appearance before us. We earnestly hope that the incoming Grand Jury will take steps at their first meeting to investigate gambling so that they may, if they desire, obtain the proper information and evidence to fix responsibility for law enforcement, and take necessary legal steps to correct the situation.

The Grand Jury recommends that immediate steps be taken to provide permanent space for future Grand Jury meeting and that the space so provided be soundproofed.

We further recommend that the space so provided shall have at least four separate toilets or rest rooms easily accessible to the grand jury room.

## ACKNOWLEDGMENTS

Our work pertaining to capital cases was greatly expedited by the efficient investigations conducted by the Dade County Criminal Bureau of Investigation under the supervision of the Sheriff, and the police officers of the City of Miami, of the Miami Homicide Bureau, under Police Chief Walter Headley, and the police officers of the City of Coral Gables, Florida.

We wish to thank Circuit Judge Charles A. Carroll for the charges and instructions given to the Grand Jury and also commend him for his prompt action taken in the Reuben Clein matter.

We wish to acknowledge with thanks the assistance and the prompt, careful and efficient legal advice given this Grand Jury by the State Attorney, Glenn C. Mincer; Assistant State Attorney Harvie S. DuVal, and his staff. The entire personnel of the State Attorney's Office was thoroughly familiar with the subject matter at hand and all legal matters were handled in a very efficient and businesslike manner.

There being no further business to come before the Grand Jury we respectfully request the Court to officially discharge and dismiss this Grand Jury, this 13th day of February, 1950.

Respectfully submitted,

WILLIAM L. EBSARY,  
*Foreman*

ALBERTA SCHANDELSON  
*Clerk*