

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

FALL TERM A. D. 1965

FINAL REPORT OF THE GRAND JURY

Filed

May 10, 1966

Circuit Judge Presiding

RALPH O. CULLEN

Officers and Members of the Grand Jury

WILLARD A. NICHOLSON, Foreman

CHARLIE C. CARPENTER, Vice Foreman

EDWARD M. MOORE, Clerk

CHARLES E. AYERS, Treasurer

MASON W. ALGER

PAUL McRAE AVERITTE

KENDALL W. BORING

JOHN L. CHAPPLE

GEORGE JAMES CLAIR

WILLIAM C. DERRINGER

RAYMON S. DREXLER

GEORGE F. HAM

CHARLES F. HELMLY, JR.

ROBERT N. KENT

FRED J. KEWER, JR.

SAMUEL F. KNOWLES

DEAN R. MILLER

RAYMOND F. SHANAHAN

FRANK J. STAMM

ANNA SURDACKI

THOMAS J. WALKER

JACK WAXENBERG

State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

SEYMOUR GELBER

GERALD KOGAN

DAVID GOODHART

JOSEPH H. DURANT

Clerk of the Circuit Court

E. B. LEATHERMAN

Administrative Assistant

ELEANOR M. ROBINSON

Official Court Reporter

JACK W. MALLICOAT

Bailiff

W. RUFUS HOLZBAUR

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
BONUS MILLER	First Degree Murder	True Bill
WILLIE CARL PITMAN	First Degree Murder	True Bill
MARVIN LEWIS McCALL, CHARLES HUBERT COLEBROOK, CECIL JERRY FERNANDEZ, WILLIE THOMAS JONES and ALFONSO SANDERS	Rape	True Bill
BEAUFORD JAMES WHITE, SIDNEY ALONZO DICKS, CHARLES HUBERT COLEBROOK, JOHN LEWIS WILLIAMS, CECIL JERRY FERNANDEZ, JAMES YOUNG GHENT, EDWARD SMITH, ALFONSO SANDERS and WALTER SMITH	Rape	True Bill
ROBERTA JONES TURNER	First Degree Murder	True Bill
ALVIN HANNAH and JAMES LEWIS RICHARDSON, JR.	Assault with Intent to Commit Rape	True Bill
TERRY LOUIS DAVIS	Rape	True Bill
GEORGE GREEN	Imparting a False Report of Commission of Crime	True Bill
GEORGE GREEN	Causing or Procuring a Record to be Falsified	True Bill
JAMES WALTON, JR.	First Degree Murder	True Bill
DOUGLAS YARBROUGH	Rape	No True Bill
FRANCIS CLAIRE SANFORD	First Degree Murder	True Bill
CHARLES WILLIE JACKSON	Rape	True Bill
RAMON SOLER PARERA, also known as RAMON SOLER, also known as "EL CHAMA"	First Degree Murder	True Bill
WILLIE CHARLES WILEY	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ROBERT WILBUR BALL	First Degree Murder	True Bill
ROBERT WILBUR BALL	First Degree Murder	True Bill
ARMAND GERARD ESCOBAR	First Degree Murder	True Bill
JERALD JEROME ARLINE	First Degree Murder	True Bill
McKENLY BRENT	First Degree Murder	True Bill
TOMMIE CLIFFORD BOWMAN	Second Degree Murder	True Bill
JONNIE HAROLD MURPHY and DONALD LEE BURKHEAD	Rape	True Bill
BENJAMIN DAVID CHISHOLM, FREDERICK PARKS, WILLIAM EDWARD MARSHALL, also known as ROBERT MARSHALL, JAMES LLOYD BYRD, JAMES HENRY DAVIS, CECIL GEORGE WOODSIDE, JR. and JERRY SAUNDERS	Rape	True Bill
T. A. BUCHANAN	Perjury (Two Counts)	True Bill
T. A. BUCHANAN	Unlawfully Receiving a Campaign Contribution	
	Making a False Report of Campaign Contributions (Four Counts)	True Bill
OLIVER LEE, JR., ROBERT TUNSIL TEEMS, ALAN LANE GROVES and PHILLIP ROBERTS	Rape	True Bill
FRANK TRAINA	First Degree Murder	True Bill

TO THE HONORABLE RALPH O. CULLEN, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

On November 9, 1965, the Fall Term Dade County Grand Jury was sworn in by the Honorable Ralph O. Cullen and had its first organizational and orientation session.

Aided by the advice of the outgoing Foreman of the Spring Term 1965 Grand Jury and the recommendations contained in their Final Report, we began our term with guidelines to follow in our efforts against organized crime and the apparent laxness of our law enforcement agencies in Dade County.

At the outset, it was evident that the help of an experienced special investigator was necessary to aid our regular staff and coordinate our work with the State Attorney's Office.

In the ensuing days and weeks, many witnesses were called to testify before the Grand Jury. Some of Dade County's most notorious gamblers, a number of public officials, and other citizens were interrogated to determine any collusion that might exist between law enforcement agencies and the people who operate, finance, and mastermind the gambling and vice operations in the County. Sheriff T. A. Buchanan was indicted as a result of this phase of the investigation.

A number of raids and bolita arrests made by our agents and the State Attorney's Office resulted in stepped up efforts on the part of law enforcement agencies. This activity indicates what can be accomplished where the will exists.

The Grand Jury believes that there are many dedicated and hard working men in our Dade County law enforcement agencies. In many cases, however, we found a reluctance on the part of higher echelon

officers to vigorously institute policies and issue orders necessary to curtail gambling and vice.

A few hit and miss raids and an occasional arrest and conviction are not enough to curtail crime. Constant vigilance by a determined, honest law enforcement body is the least the people of Dade County should accept.

In all fairness to the law enforcement agencies, we believe increased funds must be budgeted for additional personnel and higher pay scales to induce more men of ability, dedication and integrity to make careers of law enforcement in the fight against all aspects of crime.

INVESTIGATION OF THE SHEA CASE

The Grand Jury made an intensive and thorough review of all readily available records relative to the investigation and prosecution of the Joseph F. Shea case. These included the records and reports of all of the investigators, statements taken from witnesses, medical reports, findings reported by six psychiatrists who examined Shea, reports of laboratory technicians and a polygraph expert, reports of prison officials who had custody of Shea, court reporters reading of records, evidence presented at both the first and second trials, testimony presented to the indicting Grand Jury, and newspaper accounts concerning this case.

There was no evidence to indicate the use of force, duress, threats or promises of any kind in obtaining the confession. Although deceit may have been used, this is an accepted, legal technique used in police interrogation.

It is the opinion of this Grand Jury that while the evidence against Shea was not overwhelming, it was sufficient to warrant indictment and prosecution.

Although at times the communication among law enforcement officers could have been improved, we find no reasonable grounds for criticism of methods of procedures, errors of commission or omission, nor any laxity or carelessness in any phase of the investigation, the safeguarding of the rights of the accused, the presentment for indictment, the indictment itself, or the prosecution of the case before the Judge and Jury.

O. M. PUSHKIN CASE

About 8:00 P.M. on October 11, 1965, there was a traffic accident in the vicinity of 19th Street and Washington Avenue, Miami Beach, Florida. An automobile owned by the then Miami Beach City Manager O.M. Pushkin struck several cars. This was officially reported as a "hit and run" accident, with driver "unknown." Mr. Pushkin's car was reported as having been stolen from the vicinity of his office. This stolen car report was filed as of 5:30 P.M. that date.

Mr. Pushkin was subsequently convicted of "leaving the scene of an accident" in Metro Traffic Court.

All of the Miami Beach police officers involved in this case, except ex-Detective George Green, testified before the Grand Jury. Several other witnesses also testified.

The information and testimony developed by the Grand Jury resulted in two indictments against ex-Detective George Green. One indictment charged him with causing another Miami Beach police officer to falsify an official police radio log, and the other of causing another Miami Beach police officer to file a false report of a stolen car (Pushkin's).

With the exception of George Green, who resigned and accepted his pension, all of the Miami Beach police officers involved were, in the opinion of this Grand Jury, sufficiently disciplined within their own Department.

We certainly do not condone their conduct in this case. It was evident their actions were prompted by a misguided sense of loyalty to a superior, and they obviously overlooked their primary loyalty to the people of Miami Beach.

Police Departments must be thoroughly schooled in their duties and when infractions are made, they must be disciplined or action taken, as would be against a citizen, without protection to cover up their mistakes. It is the primary function of Police Departments to train their officers with a sense of loyalty as a public officer or official to carry out their duties regardless of personalities.

INVESTIGATION OF CONDITIONS AT THE LIGHTHOUSE
FOR THE BLIND

As a result of a letter of complaint, the Grand Jury investigated the operation of the Lighthouse for the Blind. We found the well-equipped, new warehouse and factory at 620 West 20th Street, Hialeah, Florida, to be spacious, well-lighted and ventilated. Workers, supervisors, management and members of the Board of Directors were interviewed. The work output of the employees was observed and reports of sales, distribution and audits were examined. The Lighthouse manufactures high quality products with sales approaching \$300,000 a year.

The Lighthouse for the Blind works under the close supervision of a large Board of Directors who perform this civic duty without remuneration. The blind are learning that a manufacturing plant must run on a schedule, that their work depends on sales, that good work promotes sales. Workers are selected by the Florida Council for the Blind, trained for six weeks and, if acceptable, go on regular duty at \$1.25 per hour for a 40 hour week. This is 45¢ per hour above the average for such an operation in the United States. Blue Cross and Blue Shield are furnished and 50% of the cost of a \$1,000 insurance policy is paid.

We found the workers contented, the management alert, and the project near the break even point on profit and loss. We commend the United Fund, the civic minded Board of Directors, the management, the blind, and the dedicated volunteer workers for a task well done.

RECOMMENDATIONS

Although this Grand Jury concentrated its efforts on vice and bolita, there were other areas to which attention was directed. In addition to our regular meetings, special sessions were held when necessary and our committees conducted over thirty meetings consuming many man hours of investigation and study. All letters of complaint were carefully considered and anonymous letters, while not encouraged, received the attention warranted by the facts disclosed. All the complaints were answered, but no further action was taken in many instances because the matters could best be resolved by the Courts, legislation, the local police, or were not within the province of the Grand Jury.

The Grand Jury is often subjected to outside pressures which, while well motivated, create a poor climate for deliberative thinking. The Grand Jury represents all the people and efforts to bend it to the will of one group defeats its true function. Speculation, criticism and gossip are generally inaccurate due to the secrecy of Grand Jury activity. Prejudgment by news media of the Grand Jury's activities should be withheld until the Jury completes its work. The Grand Jury is a fact finding body with specific legal responsibilities and serves neither as a trial jury nor as an agency to further personal projects or crusades of other groups.

We were pleased with the excellent cooperation provided by Federal District Attorney William A. Meadows, Jr. Mr. Meadows has regularly conferred with our staff and by his example has set a pattern for closer efforts between Dade County Grand Juries and federal authorities. We would also recommend regular contact with the Grand Juries in

Broward and Palm Beach Counties and we have sought cooperation with these groups.

While we do not question the dedication of the Greater Miami Crime Commission, we would hope that in the future this agency would provide a concrete program based on specifics rather than the generalities offered to this Grand Jury.

Although our view of the total crime picture is limited, there were certain situations that developed before us that warrant comment and attention.

In cases of rape, we found a pattern involving gangs of young negro boys. This is a matter requiring the careful concern of negro leaders, as well as other responsible groups. We recognize that our statistics do not carry any scientific weight, but nonetheless it appears that this problem needs particular attention from the negro areas and we recommend that social agencies, community leaders and the police lend their best efforts in this direction.

Another problem in capital crimes revolves around bars serving alcohol to minors. We urge the State Beverage Department and other enforcement agencies to set up a more active program to police liquor establishments selling to minors.

We recommend that the courts take a stern view of persons convicted of sales of alcohol to minors. We encourage our Judges to provide stiffer sentences in crimes involving violence and vice. Particularly in crimes of violence, the safety of the public requires a higher bond be set and maintained. We see no useful purpose in failing to enter a jail sentence for second offenders in vice and gambling cases. In these instances, the offender generally considers

probation or a fine merely the cost of a license to operate illegally.

We commend the Dade County Commission for the recently enacted gun ordinance. This legislation is also sorely needed on a state level. With a reapportioned Legislature, its passage is within reality and we urge our newly elected delegation to include this in their legislative program.

One of the bolita arrests arising out of the Grand Jury investigation was quashed as a result of the warrant being served on a Sunday. We suggest that the Florida Legislature repeal Florida Statute 47.46, 933.01 inasmuch as the law appears to serve no useful purpose at this time.

Major crime problems in this County arise from the innumerable municipal police agencies and the lack of a state agency to investigate local crime. With each municipality maintaining its own police force, we find untrained, underpaid, ill-equipped departments in some of our smaller municipalities. This area needs a unified county-wide police department and the sooner we overcome the petty political obstructions that prevent it, the quicker we will begin making progress in the fight against crime. An appointive rather than elective Head of the recommended county-wide police force would take law enforcement out of the political arena.

At the state level, Florida needs an investigating agency that will provide a proper check and balance to our present law enforcement structure. Presently there is no agency authorized or equipped to conduct such investigation on the scale necessary. Several states have created such organizations, notably the State of Massachusetts Crime Commission. This group, set up in 1963, consists of seven

leading citizens and a staff of half dozen lawyers and twenty-five investigators. Their initial budget was \$569,000. They have subpoena power and present their evidence to Grand Juries sitting throughout the State. As of February of this year, they had returned 500 indictments against 120 individuals. They investigated, unearthed and prosecuted scandals in road construction programs, payoffs to legislators and other public officials, campaign violations and political patronage deals. This kind of a State Crime Commission, properly staffed and financed with adequate police powers can do much to restore the sense of morality which appears to be on the decline in Florida.

ACKNOWLEDGMENTS

This Jury wishes to express its appreciation to the Honorable Ralph O. Cullen, Circuit Judge, for his cooperation, courtesy and helpfulness in advising and counselling this Jury in matters relating to proper procedure of the Jury during its term.

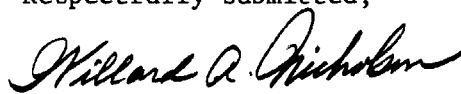
The Honorable E. B. Leatherman, Clerk of the Circuit Court, and his staff have been most cooperative in assisting this Grand Jury.

The Grand Jury system in order to function properly depends in great measure on an efficient system of records, correspondence and reports. Eleanor M. Robinson, our Administrative Assistant, with her fourteen years of invaluable experience, has been of tremendous assistance to us. Her cooperation and willingness, plus her dedication and ability have lightened our administrative duties.

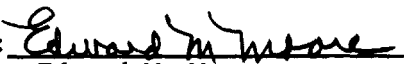
Our Bailiff, W. Rufus Holzbaaur, has performed his duties with courtesy and thoroughness at all times.

We were completely satisfied with the services of State Attorney Richard E. Gerstein and his Administrative Assistant, Seymour Gelber. The citizens of this County should take great pride in these dedicated men, as well as the entire staff of the State Attorney's Office. We have been greatly impressed with their initiative, ability, and the manner in which they diligently seek out the truth.

Respectfully submitted,



Willard A. Nicholson, Foreman
Dade County Grand Jury
Fall Term 1965

Attest: 
Edward M. Moore
Clerk

Dated: May 10, 1966