

IN THE CIRCUIT COURT OF THE TWENTY
SECOND JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR THE COUNTY OF BROWARD

STATE OF FLORIDA)

SPRING TERM, 1933

vs.)

FIRST DEGREE MURDER

IZELL CHAMBERS)

TRANSCRIPT OF TESTIMONY

This cause came on for trial on Monday, June 12th A.D. 1933, at 10 o'clock in the forenoon thereof, and the defendant being present in person in open court, and counsel for the State and the defendant being present, and both having announced ready for trial, the following proceedings were had:

There appeared on behalf of the State, Hon. Louis F. Maire, State Attorney for the 22nd Judicial Circuit, and E.B. Griffis, Esquire, on behalf of the defendant.

Thereupon a jury of 12 lawful men were duly sworn and impaneled to try said cause.

Thereupon counsel stated the case to the jury.

JOHN DARCEY, first being duly sworn, called on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Is your name John Darcey?

A John Darcey.

Q Mr. Darcey, did you know Robert M. Darcey?

A Yes sir, my father.

Q Do you know when Robert M. Darcey died, if he did?

A Yes sir, he died on the night of the 14th. I don't know what time. It may have been after midnight.

Q What month and what year?

A May, this year.

Q How old a man was Mr. Robert M. Darcey at the time of his death?

A He was sixty-four.

Q Did you see Robert M. Darcey before he died?

A Yes sir.

Q Do you know what caused his death?

A Yes sir.

Q State to the jury what caused his death if you know?

A Well there were wounds on the head; I didn't examine them close, but I saw two.

Q Can you describe the two wounds that you saw to the jury?

A Yes sir, the skin was broken. When I saw the wound the doctor was working with it. There were two, the skin was broken; I don't know how long a place, but the doctor was working with it when I saw him.

Q How closely did you examine those wounds Mr. Darcey?

A Well I got down and watched the doctor for a few minutes and then left the room. I didn't examine them.

Q Can you describe the approximate length of time?

A I am afraid I couldn't.

Q Were the scars on the head laid open or just swollen?

A It was laid open.

Q Were there two scars?

A Yes sir, there were two scars.

Q You knew Robert M. Darcey as your father, and the general state of his health prior to his death?

A Yes sir.

Q And you did see and examine those two wounds you have testified about?

A Yes sir, I saw them.

Q Can you state whether or not in your opinion those wounds produced the death of Robert M. Darcey?

A Yes sir.

Q What is your opinion with respect to that? Did they or did they not cause the death of Robert M. Darcey?

A Yes sir, they caused the death of him.

Q Of your own knowledge you do not know how Robert M. Darcey received those blows do you Mr. Darcey?

A No sir. I didn't see them passed I didn't see them hit him.

Q Are you acquainted with the habits of your father somewhat?

A Yes sir.

Q Did you ever see this before (exhibiting a pocket-book to witness)?

A Yes sir.

Q Will you state to the jury what that is?

A That is the bag that my father carried his silver in, change.

Q I will get you to examine not only this but the contents of that and state to the jury if you know what that is and what the contents are? (Handing witness a bill-fold and some papers).

A It is my father's bill fold, some light bills and water bills, receipts, -- and some receipts for some peppers that him and a share cropper had sold.

Q Who did that pocket book belong to on the 13th day of May 1933?

A To my father.

Q Who did the bill fold and the receipts and papers in the bill fold belong to?

A They were all his.

Q Do you know whether or not Robert M. Darcey carried that purse and the contents of that purse and this money bag on his person at that time?

A Yes sir.

Q You don't know of your own knowledge where those were found do you?

A No sir, I don't.

Q What State and County did Mr. Robert M. Darcey die in?

A Broward County, Florida.

Q So far as the actual perpetration of any act that caused his death you of your own personal knowledge know nothing about that do you Mr. Darcey?

A No sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q You say there were two wounds on Mr. Darcey's head?

A There were two that I saw; yes sir.

Q You didn't see any other wounds?

A No sir.

(Witness excused)

R.C.HELTON, first being duly sworn, being called on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Helton, did you hold any official position in Pompano on the 13th day of May, 1933.

A Constable, yes sir.

Q Did you know Mr. Robert M. Darcey of Pompano?

A Yes sir.

Q Do you know of your own knowledge whether anything happened to Mr. Robert M. Darcey on or about the 13th day of May, 1933?

A Yes sir, he was knocked on the head with a stick, or some sticks.

Q What was your first knowledge that that had happened Mr. Helton, what did you do when you learned that that had happened?

A I was down in negro town about 9 o'clock I guess and arrested a negro and carried and put him in jail and come back and drove around to the drug store and got out and was talking to the barber next door and a little boy run out of the drug store and asked me "Did you know Mr. Darcey has got knocked in the head?" and I told him "No" and I drove on to Mr. Darcey's house and they had just took him in the house; they had got the doctor there, and I traced the blood from there practically two blocks to where he had got knocked in the head.

Q Where was the home of Mr. Darcey in Pompano at the time you went to his house that you just testified about?

A On the old Dixie Highway about four blocks I think North of the depot.

Q On which side of the road?

A On the West side.

Q Where did you trace the blood back to Mr. Helton?

A To the corner of the Ford garage.

Q Where is the Ford garage?

A That is two blocks North of the depot.

Q On which side of the street?

A On the West side.

Q Did you ever hear Mr. Robert M. Darcey say anything from the time you got there?

A No sir, I never went in the house where he was at all.

Q Did you see Mr. Darcey later?

A No sir, I never did go in to see him.

Q Did you ever personally examine the wounds?

A No sir.

Q Do you know Charley Davis or Jack Williamson or Izell Chambers or Walter Woodard?

A Yes sir.

Q Do you know Izell Chambers, the defendant now on trial?

A Yes sir.

Q Did you have any connection with questioning him or arresting him or anything of that sort?

A Yes sir, I was connected with the questioning of him.

Q Did Izell Chambers make any statement with respect to his knowledge of the death of Robert M. Darcey in your presence?

A Yes sir.

MR. GRIMFIS:

If the Court please, I anticipate an attempt on the part of the State now to prove a confession and believe that the law requires that the jury shall retire and that the judge shall hear evidence of all facts leading up to the alleged confession and it be determined whether or not the confession is admissible in evidence.

MR. MAIRE:

I have no objection to that procedure.

THE COURT:

Gentlemen of the Jury you will retire to the jury room until you are called.

Thereupon the jury retired, and the following proceedings occurred in the absence of the jury.

MR. MAIRE:

In order to save time later, if counsel has no objection, I would like to make the statement that the State expects to show admissions and confessions by the defendant Izell Chambers and by Charley Davis, Jack Williamson and Walter Woodard in the presence of Izell Chambers, by the following named witnesses: Walter R. Clark, A.D. Marshall, R.C. Helton, J.W. Coleman, B.B. Johnson, W.F. Ford, W.C. Goodrich, Virgil Wright, F.C. Maddox and J.T. Williams.

Furthermore that the State may ask the Court to call Charley Davis and Walter Woodard as Court witnesses, who will be expected to testify as to admissions and confessions made by the defendant Izell Chambers. I make this statement at this time for the purpose simply of placing counsel for the defense upon notice that these witnesses will be asked relative to admissions and confessions and for the purpose of saving time.

as each witness is put upon the stand.

THE COURT:

Will you state in the record whether or not all of these witnesses that you expect to prove admissions by were present at the same time the testimony was taken or on separate occasions?

MR. MAIRE:

I believe separate occasions.

THE COURT:

We will have to dispose of them separately then.

MR. MAIRE:

Yes sir.

Q Mr. Helton, when did you first arrest Izell Chambers or when did you first talk to him about this case if you didn't arrest him?

A I first talked to him on Monday, I didn't arrest him.

Q When was the first time that he made any statement to you with reference to the death of Mr. Robert M. Darcey, if he made any such statement at all?

A The next Saturday night I think was the first statement.

Q Who was present at that time?

A Mr. Williams and the sheriff and Mr. Marshall, Mr. Goodrich and myself I think.

Q At that time did you or did anybody in your presence make any promise or offer any inducement to prevail upon the defendant in any way to talk?

A No sir.

Q At that time did you or did anybody in your presence threaten Izell Chambers in any way to induce him to make a

statement?

A No sir.

Q At that time was such statements as were made by Izell Chambers made freely and voluntarily upon his part?

A Yes sir, it was.

Q Did he make any statement at any other time?

A Two or three different occasions he admitted, made these statements.

Q Were you present on Sunday morning, May 21, 1933?

A Yes sir.

Q When and where was that and about what time?

A That was between 6:30 and 8 o'clock on Sunday morning up on the fourth floor here, Mr. Marshall's room.

Q Who else was present if you remember?

A There was ten or twelve of us. I don't remember exactly who they were.

Q Was Izell Chambers the only defendant that was examined at that time?

A All four of them were there.

Q Did Charley Davis make a statement at that time?

A Yes sir.

Q Charley Davis was there and Walter Woodard, was he there and did he make a statement at that time?

A Yes sir.

Q Was Jack Williamson there?

A Yes sir.

Q And did he make a statement?

A Yes sir.

Q Did you or anyone present at that time make any promise

of reward or favor, or make any threats to make Izell Chambers or any of the other defendants talk?

A No sir.

Q Did you or anyone present at that time in your presence threaten Izell Chambers or any of the defendants to induce them to talk?

A No sir.

Q Were such statements as were made at that time made freely and voluntarily?

A Absolutely.

Q Do you know whether or not those statements were taken down in writing or shorthand?

A I do, yes sir.

Q Do you know who took those statements down?

A The Court Reporter.

THE COURT:

This gentleman here Mr. Helton (Referring to J.W.Coleman)?

A Yes sir, this gentleman right here.

MR. MAIRE:

Q Do you know the court reporter's name?

A No sir.

Q Have you examined the testimony that was written by the court reporter since that time?

A No.

Q I will hand you this and ask you to read it Mr. Helton?

Thereupon the witness examined and read the transcript of the testimony referred to.

QUESTION BY MR. GRIFFIS:

Q You were called in and don't know what had transpired

before this testimony was taken?

A No. I was present all the way through at different times. On Saturday night I was present.

THE COURT:

I think you would have to ask each one as to what took place in his presence, Mr. Maire.

MR. MAIRE:

Q At the time you were there and the statements were made in the presence of Charley Davis, Jack Williamson, Izell Chambers and Walter Woodard, the defendants and also in the presence of B.B. Johnson, W.F. Ford, W.C. Goodrich, Walter R. Clark, R.C. Helton, A.D. Marshall, H.E. McNeil, J.T. Williams, Louis F. Maire and J.W. Coleman, at that time did you or did anybody in your presence make any promise or offer any inducement to the defendants, the defendant now on trial or either of the other three defendants, to induce them to talk?

A No.

Q At that time did you or did anybody in your presence make any threats in order to induce this defendant or any of the other defendants to make a statement?

A No sir.

Q Were such statements as were made at that time made freely and voluntarily as far as you could see?

A Yes sir.

QUESTIONS BY MR. GRIFFIS:

Q You have not been in charge or custody of this defendant and his co-defendants during all of this time, that interval between the time they were arrested and the time they made the alleged confession?

A Not all the time.

Q You of your own knowledge would not know whether or not someone else had made promises or threats to induce the confessions?

A No, not when I was not present.

Q You do know of your own knowledge that no threats or promises were made when you were present?

A No, not in my presence.

(Witness temporarily excused)

B.B. JOHNSON, having first been duly sworn, being called by the State, in the absence of the jury testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Where do you live, Mr. Johnson?

A Ft. Lauderdale.

Q Where did you live on the 21st day of May, 1933?

A Ft. Lauderdale.

Q What is your occupation? Are you any kind of an officer of the law?

A No sir.

Q Do you know the defendant on trial when you see him?

A Well I recognize him; I have seen him.

Q Did you ever see Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q Do you know whether or not Mr. W.F. Ford, W.C. Goodrich, Walter R. Clark, R.C. Helton, A.D. Marshall, E.H. McNeil, J.T. Williams, Louis F. Maire and J.W. Coleman were also present at the time you saw these four colored boys?

A Yes sir.

Q Where were they?

A They were in the courthouse, warden's quarters, the jail.

Q Did the defendant, Izell Chambers, or the other three defendants in his presence make a statement at that time?

A Yes sir.

Q While you were present did you or anybody else that was present make any promise or offer any inducement to get the defendant Izell Chambers or any of the other defendants to make a statement?

A No sir.

Q While you were present did you or anybody in your presence threaten any of the defendants to induce them to make a statement?

A No sir.

Q While you were present was a statement made by these defendants?

A Yes sir.

Q So far as you could see and while you were present was that statement made freely and voluntarily on the part of the four defendants?

A Yes sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q How long had you been there before this statement was made?

A Just a few minutes.

Q What was the occasion of your going there?

A I was asked to go there by Mr. Clark.

Q That is the sheriff?

A Yes sir. _____

Q You don't know what transpired at any time prior to the time you went up there?

A No sir.

Q You don't know what took place before that time?

A No sir.

Q You don't know whether or not anybody had before that time made any promises or threats?

A No sir.

(Witness excused)

W.F.FORD, having been duly sworn, being called on behalf of the State, testified in absence of the jury as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Ford, were you present on the 21st day of May, 1933, Sunday morning, when statements were taken from the defendants Izell Chambers, and from Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q And when there was also present B.B.Johnson, W.C.Goodrich, Walter R. Clark, R.C.Helton, A.D.Marshall, H.H.McNeal, J.T.Williams, Louis F. Maire and J.W.Coleman?

A Yes sir.

Q Did you or did anybody in your presence during the time that you were there and heard these statements made make any promise or offer any inducement to the defendant Izell Chambers or any of the other defendants to induce them to talk?

A No sir.

Q Did you or did anybody in your presence at that time

threaten in any way the defendant Izell Chambers or any of the other defendants to induce them to talk?

A No sir.

Q Were such statements as were made at that time made freely and voluntarily upon the part of the defendants so far as you could see?

A Yes sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q Mr. Ford, how long had you been there before they made these statements?

A Oh probably a half hour.

Q Where were these statements made did you say?

A In the court house here.

Q What part of the court house, the jail?

A No, down on the second floor, I think.

Q The second floor of the court house?

A Yes sir.

MR. MAIRE:

That is a mistake, -- the fourth floor.

MR. GRIFFIS:

Q Do you know where that room was?

A Not exactly.

Q Do you know what that room was used for in which the statements were made?

A No sir I do not.

Q How did you happen to be there in the court house at that particular time?

A Came here to hear their confessions.

Q What was done or said if anything during this half hour in which you were there before the statements were made -- just a minute, was this defendant and the other three defendants present at this time, during this half hour?

A Yes sir.

Q Now what was said if anything to them to induce them to make a confession during this half hour before they did make the confession?

A Nothing.

Q Who was talking to them if anybody?

A Mr. Maire.

Q The State Attorney?

A Yes sir.

Q Did you hear what was said by Mr. Maire during this half hour?

A Yes sir.

Q Did you hear Mr. Maire make them any promises of any kind?

A No sir.

Q Any threats of any kind?

A No sir.

(Witness temporarily excused)

W.C.GOODRICH, having first been duly sworn, being called on behalf of the State, in absence of the jury testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Goodrich, what official position if any did you hold on the 21st day of May, 1933 in Broward County?

A Deputy Sheriff.

Q Do you know the defendant, Izell Chambers?

A Yes sir.

Q And do you know Charley Davis and Jack Williamson and Walter Woodard?

A Yes sir.

Q Were you present when Izell Chambers made a statement on Sunday the 21st day of May, 1933, in the presence of B.B. Johnson, W.F. Ford, Walter R. Clark, R.C. Helton, A.D. Marshall, H.E. McNeal, J.T. Williams, Louis F. Maire and J.W. Coleman?

A Yes sir.

Q Were you present with the defendants Izell Chambers or Charley Davis or Jack Williamson or Walter Woodard before that time any?

A I had been some, yes sir.

Q Had you been present with the defendants any night prior to that Sunday morning?

A It was in the early morning.

Q Early morning?

A Yes sir.

Q Do you know what time you got there, about?

A Two o'clock.

Q Do you know what time this statement was made, approximately?

A Between 6:30 and 8.

Q From two o'clock until this statement was taken and completed, did you or did anybody in your presence make any promise or offer any inducement to the defendant Izell Chambers or any of the other three defendants to induce them to talk any?

A No sir.

Q During that time did you or did anyone in your presence threaten the defendant Izell Chambers or any of the other de-

defendants to induce them to talk?

A No sir.

Q Were any statements that were made by Izell Chambers or any of the other defendants in his presence made freely and voluntarily?

A That is right.

Q You say that you had been with these defendants since about two o'clock that morning?

A Yes sir.

Q Now what took place during the time, during the interval between two o'clock in the morning and the time when they made the alleged statement?

A Just general questioning.

Q Who was doing that questioning?

A Talking. Well the sheriff was there and Mr. Williams was there. We were all questioning them to a certain extent.

Q Were you present when they sent out to get additional persons to come up there, one of whom was Mr. Ford and Mr. Johnson?

A Yes sir.

Q Why were these men sent for at this particular time?

A I suppose most of us were officers there and we needed some that weren't officers.

Q I understand that you understood that they were getting ready to make a confession at that time?

A Yes sir.

Q And you wanted these other witnesses to the confession, that was the idea, to get these other witnesses in there?

A Yes sir.

Q Now was there any violence of any kind used on this de-

defendant or any of the other defendants?

A No sir.

Q Were there any promises made that if they would make a confession that anything whatsoever would be done?

A No sir.

Q In their favor?

A No sir.

Q Was this defendant or any of the defendants warned of their legal rights before they made the alleged statement? By that I mean were they told that any statement that they made would be used against them; was such a statement made to them in your presence?

A Yes sir.

Q Who made that statement?

A I think Mr. Williams made that statement.

Q Mr. Williams?

A Williams.

Q How long was that statement made to them before these other gentlemen were called in and a written statement taken down?

A I don't recall.

Q Were you present when the State Attorney questioned the witnesses?

A Yes sir.

Q Had the State Attorney been with the witnesses during all this time from 2 o'clock on as well as the other officers?

A No sir.

Q At the time that they made this statement did the State Attorney advise them as to what if any their legal rights were in the premises?

A Yes sir, he did.

Q Just what, if you remember, did the State Attorney tell this defendant and the other defendants?

A I don't recall what his words were but he gave them to understand that he wanted the truth out of them and that was all he was there for.

Q Did the State Attorney himself tell them that anything that they said might be used against them?

A Yes sir.

Q He did?

A Yes sir.

Q You had not been in custody of these negroes up until 2 o'clock, they had not been in your custody, had been in somebody else's custody?

A Yes sir.

Q You don't know what if any promise or threats might have been made against them during the time you were not present?

A No sir.

(Witness temporarily excused)

WALTER R. CLARK, having previously been duly sworn, being called on behalf of the State, in absence of the jury testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q What official position did you hold Mr. Clark on the 20th and 21st day of May, 1933?

A Sheriff of Broward County, Florida.

Q Did you in the presence of anybody talk any with Izell Chambers, the defendant now on trial, and with Charley Davis, Jack Williamson and Walter Woodard, during the night of Saturday

night, May 20th and Sunday Morning May 21st, 1933?

A Yes sir.

Q Had you talked to them prior to that time?

A Yes sir.

Q Have you any idea how often you talked to them prior to that time?

A Very day since we got them.

Q At the time a certain statement was taken down, was the statement taken down in the presence of the four defendants as well as in the presence of B.B.Johnson, W.F.Ford, W.C.Goodrich, R.C.Helton, A.D.Marshall, H.E.McNeal, J.T.Williams, Louis F. Maire and J.W.Coleman?

A Yes sir.

Q Mr. Clark, did any of the men named by me at the time a statement was made, or you, make any promise or any inducement to Izell Chambers or any of the defendants to induce them to talk?

A Only asked them to tell us the truth about it.

Q At any time prior to that time that you know about did you or anybody in your presence make them any promises to induce them to talk?

A No sir.

Q At that particular time did you or anyone in your presence make any threats to induce the defendant Izell Chambers or any of the three defendants to make a statement?

A No sir.

Q Prior to that time at any time you may have talked to them either alone or in the presence of anyone else did you or anyone else threaten them in your presence to induce them to make such a statement?

A No sir.

Q Was the statement made at that time made freely and voluntarily on the part of the defendants?

A Yes sir.

Q Was the statement prior to that time that you were present and in the presence of anyone else made freely and voluntarily upon their part?

A Yes sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q When were these negroes arrested, Mr. Clark?

A I didn't arrest them myself, but it was Sunday night.

Q That was on the Sunday night preceding the night of the alleged confession?

A Yes sir.

Q Where had those negroes been during all of this time between the time they were arrested and the time that they made the statement?

A They had been here in my jail, except one night.

Q Where had they been the other night?

A Taken to Dade County jail.

Q How long was it before then they were taken to the Dade County Jail, before they made the statement, do you remember, when they were taken to the Dade County jail?

A Monday night after they were arrested on Sunday night.

Q What was the occasion for taking them to Dade County jail?

A Protection.

Q Protection against what?

A It was a rumor,---we figured that maybe outside people would try to take them.

Q And when were they brought back?

A Tuesday.

Q They were brought back Tuesday night?

A Tuesday about noon, or a little after.

Q Of course you were not with them at all times during the intervals between the time they were arrested and the time they made the statement?

A I was with them during all the questioning.

Q Yes, but they were in the custody of your jailer I presume except during the time that they were in Dade County?

A Yes sir.

Q Now, from your observation do you think the fact that you were forced to remove them from this County to Dade County to avoid possible violence, do you think that that had any effect whatsoever upon causing them to make a statement?

A No sir.

MR. MAIRE:

I object to that, That might be a proper question for the jury but his opinion is inadmissible.

THE COURT:

He may answer the question.

A No.

MR. GRIFFIS:

Q Of course you stated that you or no one in your presence made them any promise or any threat of any kind?

A No sir.

Q How long had they been questioned; I believe you said you were present during all the time they were being questioned?

A Yes.

Q How long had they been questioned before they finally made the statement?

A Well, we had been questioning them all during the week.

Q How long immediately preceding the time the statement was taken, how long had they been questioned?

A From early Saturday night.

Q They had been questioned none during the day of Saturday?

A No.

RE-DIRECT EXAMINATION OF

BY MR. MAIRE:

Q To refresh your mind on one thing, were all four of them carried to Miami?

A No, that was Izell and Jack.

(Witness temporarily excused)

A.D.MARSHALL, having first been duly sworn, being called on behalf of the State, in the absence of the jury testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Marshall, what official position did you hold on the 20th and 21st day of May, 1933, prior to then and on that date?

A Deputy Sheriff and warden of the county jail.

Q Were you present during the night of Saturday night May 20th and Sunday morning May 21st when Izell Chambers, Charley Davis, Jack Williamson and Walter Woodard were questioned regarding the death of Mr. Darcey of Pompano?

A Yes sir.

- Q Who else was present?
- A The early part of the night you mean?
- A Yes.
- A The sheriff and Captain Williams, and Mr. Helton, I believe, were all that I remember that were there from the beginning. Yes, there was one other fellow there, I forgot his name.
- Q Were you present even prior to that, at all times when the defendants were questioned in the Broward County jail by anybody?
- A At each and all times that they were questioned, yes sir.
- Q Were you present when the four defendants were questioned together and B.B.Johnson, W.F.Ford, W.C.Godrich, Walter R. Clark, R.C.Helton, H.H.McNeal, J.T.Williams, Louis F. Maire and J.W.Coleman also were present?
- A Yes sir.
- Q At that time do you remember whether a statement was taken from the defendants?
- A There was.
- Q At that time did you or anyone in your presence make any promise or make any inducement to get Izell Chambers or any of the other defendants to make a statement?
- A No sir.
- Q At that time did you or anyone in your presence offer any threats or use any violence or coercion to induce Izell Chambers or any of the defendants to make a statement?
- A No sir, not at that time or any other time during the questioning, or previous thereto.
- Q Were the statements that were made at that time made freely and voluntarily on the part of the defendants and each of them?
- A Yes sir.

Q Prior to that time and at any time you were present did your or anyone make them any promises or inducements to get them to talk?

A No sir.

Q Prior to that time at any time you were present did you or anyone in your presence use any threats or coercion or violence to induce them to talk?

A No sir.

Q Prior to that time or at any time that you were present or anyone else was present were statements that were made by these defendants or any of them made freely and voluntarily?

A Yes sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q Mr. Marshall you are the jailer are you not?

A Yes sir.

Q Does anyone else carry the Keys and have access to the jail other than yourself?

A No.

Q Then you know of your own knowledge who talked to this defendant and the other defendants during all that time?

A Yes sir.

Q And I believe you stated that you were present at each and every conversation that was had with these defendants during all of this time, is that true?

A Yes sir.

Q Was this defendant and the other defendants told what their legal rights were in the matter, that is, were they advised that they did not have to make a statement unless they wished to do so, and were they advised that any statement they might make

might be used against them?

A They were warned each to tell the truth and nothing but the truth and the truth was all that was wanted.

Q Were they told that these statements would be used against them?

A Yes sir.

(Witness temporarily excused)

MR. MAIRE:

If your Honor please, I think counsel for the defense is satisfied with the showing made so far.

THE COURT:

Have you asked all the witnesses that were present.

MR. MAIRE:

A No sir.

MR. GRIFFIS:

If the Court please, I am satisfied. Mr. Marshall said he was present at every examination that was made.

THE COURT:

Let Mr. Marshall come back.

Thereupon A.D.MARSHALL having previously been duly sworn, was recalled to the witness stand by the Court, and testified in the absence of the Jury as follows:

QUESTIONS BY THE COURT:

Q Mr. Marshall was there any opportunity at any time, at the time these boys were arrested or either of them, until the time that this alleged confession was made, when anyone else had access to them or made threats or promises to them without your knowledge?

A Not after they were put in the jail, no sir, -- except those two that were in the Miami jail from evening until noon next day.

Q We are not trying those now.

MR. GRIFFIS:

We are trying one of them. Izell Chambers is one.

THE COURT:

You better prove by those who went with them to Miami jail.

Q Do you know who went with Izell Chambers and Walter Woodard to Miami jail?

A Yes sir.

Q Who was it?

A The sheriff and Captain Williams.

Q We will have to have them on the stand. Who brought them back?

A I don't remember now. Seems to me like it was Wright and Bob (referring to Deputy Sheriffs Virgil Wright and Bob Clark). I didn't see them when they drove up and there were two or three down there. I don't know who did bring them up.

THE COURT:

Let's get those others on the stand, Mr. Maire.

(Witness temporarily excused)

WALTER R. CLARK, having previously been duly sworn, being recalled by the State, testified in absence of the jury as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Clark, a statement was made that the defendant, Izell Chambers and one of the other defendants, who was the other

defendant that was carried to Miami?

A Jack.

Q Izell Chambers and Jack Williamson were at sometime carried to Miami?

A Yes sir.

Q Do you know who carried Jack Williamson and Izell Chambers to Miami?

A Yes sir. I carried them down and Mr. Williams went with me.

Q You and Mr. J.T. Williams?

A Yes Sir.

Q When were they carried down there?

A On Monday night.

Q When were they brought back to jail here at Ft. Lauderdale?

A Tuesday about noon.

Q And this statement was taken the following Sunday morning at 6:30 o'clock?

A Yes.

Q Did you or Mr. Williams make them any promises on the way between here and Miami to make a statement?

A No sir.

Q Did you or Mr. Williams make them any threat or threaten them in any way to coerce or force them to make any statement?

A No sir, I never even spoke to them for any purpose from here down.

Q Was the case discussed with them on that trip going down?

A No sir.

Q Did they make any statement at all at that time?

A No sir, because we were in a hurry and went down there with them in a hurry.

Q When did you say they were brought back here, Tuesday?

A Tuesday noon, right afternoon, around 1 or 1:30.

THE COURT:

Q Who brought them back, Mr. Clark?

A Why, Virgil (Wright) and Bob (Clark) and Mr. Helton was with them too, and I was in a car behind them.

Q Mr. Helton was in the car with the two defendants?

A Yes sir. I wouldn't say whether he was in the car or with some of the rest of them; we were in two cars, divided up and started with them, and I come behind them in my car.

(Witness temporarily excused)

MR. MAIRE:

I would like to introduce the statement to the Court and counsel for defendant.

THE COURT:

May I suggest Dr. McClellan is here. Call the jury in and take his testimony before we adjourn for lunch, and then the defendant can have all the noon hour for investigation of that statement. Are you ready for the jury to come on?

MR. MAIRE:

Yes.

THE COURT:

Mr. Helton will be withdrawn from the stand at the present. He was on the stand when the jury was excused. Let the jury come in.

Thereupon the jury was brought in, duly polled and seated in the jury box.

DR. G.S. McCLELLAN, having first been duly sworn, being called on behalf of the State, in the presence of the Jury testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Doctor, give me your initials please sir?

A G.S.

Q What is your profession, if any?

A Practicing medicine.

Q How long have you practiced medicine?

A Between 20 and 21 years.

Q Where did you live on the 14th day of May, 13th of May, 1933?

A Pompano, Fla.

Q Did you know in his life time Robert M. Darcey?

A I did.

Q Do you know when Robert M. Darcey died?

A It was along about that date.

Q Do you know what date it was?

A I couldn't tell you off hand, it was in May though.

Q You know he did die?

A Yes sir.

Q Prior to his death were you called upon to administer any medical treatment to Robert M. Darcey?

A Yes sir, I had treated him various times.

Q Immediately prior to his death were you called to administer any treatment to Mr. Darcey?

A Yes sir.

Q What was the trouble with Mr. Darcey immediately prior to his death that you treated him for?

A He was hit on the head.

Q Will you describe the blow to the jury?

A I found two licks, one on the left side of the head on top and one on the side (indicating right side). The one on the top was hard enough that it had cut, bloody there, showed signs of being hit by a fairly heavy instrument. He was also suffering from a fracture at the base of the skull.

Q What in your opinion caused the fracture at the base of the skull?

A The jar of the lick, or one of those licks.

Q What in your opinion as a professional man, a doctor of medicine, caused the death of Mr. Robert M. Darcey?

A Those licks on the head.

Q Of your own personal knowledge you know nothing as to what caused those licks do you?

A No sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q Did you find any other wound or bruises of any kind on Mr. Darcey's body?

A He had a light cut on the hand.

Q A light cut on the hand?

A Wound on the hand.

Q You didn't find any other signs of where he had been hit?

A No sir, I didn't find any but the other two.

Q This injury to the base of the skull, was that a skull fracture or the neck broke?

A That was at the base of the skull, flora of the skull.

Q In your opinion that was caused by the force of the blow

on the top of his head?

A Yes sir.

(Witness excused)

THE COURT:

I want the spectators in the court room to remain seated until the jury has retired. Let's have perfect order while we are taking care of this case. If the bailiff will come forward now that we have selected to wait upon this jury. Swear the bailiff Mr. Clerk.

Thereupon R.F.Helton was sworn as bailiff to wait upon the jury.

THE COURT:

Give the reporter your name?

BAILIFF:

R.F.Helton.

THE COURT:

Mr. Helton, have you ever served as a bailiff of a petit jury?

A No sir.

THE COURT:

It will be necessary then for the court to instruct you as to your duties. You are to go with the jury as they retire from the court room and go to their meals and remain with them during their meal and as they return from their meals be with them all the time. If they should have to remain over during the night you will be with them during the night in the same room or rooms with them and the room must be all connected, if a series of rooms the doors must be connected with each other, if there is more than one room, and there shall be but one door