

A I aint got a thing to do with it; I like him all right;  
I aint got a thing against him.

Q You claim now that Izell was the one that told you about it?

A Izell and Walter, both of them told me.

Q They told you about it first?

A Yes sir. The first ones that mentioned it; Kid, I had  
never seen him until I seen him at Delray.

QUESTIONS BY THE COURT:

Q Who do you call Kid anyway?

A Charley Davis.

Q Where did you first see him that night?

A Senn him on the street.

Q Where?

A He was coming along there on the street that night and  
Izell called him. I didn't know him.

Q First time you ever saw him?

A I had seen him once before. I had worked with him one day  
and hadn't seen him no more until that night, and then in this  
jail.

Q That night just before the killing was the first time you  
had talked to him about it?

A Yes sir, the first time I had talked to him at all; only  
spoke to him as a friend.

Q Which one of the boys hit the first lick?

A Charley Davis hit both licks; wasn't but two licks passed,  
and Charley hit them.

Q What did he hit with?

A That broke stick.

Q You never did hit him at all?

A No sir. I didn't get that close.

Q You say Walter Woodard didn't hit him?

A No sir. He went up there, but I didn't see him hit him.

Q How close were you to him when he was hit?

A I was the same distance, I didn't move out of my tracks until both of them had run.

Q Did Izell ever hit him?

A I didn't see him.

Q How close did Izell come to him?

A He never did get no closer than the same distance he was, about the same distance.

Q Did Mr. Darcey fall at the first lick?

A Yes sir.

Q When you left he was still on the ground?

A Yes sir.

Q Where did Izell get that stick he had?

A I don't know sir where he got that stick he had.

Q Where did Charley Davis get his?

A He got his from an automobile; he said he had it under an automobile; I didn't see him when he got it, but he come back with it. I stopped when I got to the facing of the building; I stopped in front of the building.

Q Do you know anybody that had that hammer?

A Yes sir; I seen that hammer at Walter's house.

Q Did you see it out there that night?

A No sir, I didn't see it that night.

(Witness excused)

WALTER WOODARD, first being duly sworn, being called as the Court's witness, testified as follows:

ADMNITION BY THE COURT:

Walter, it is the duty of the court to inform you that you do not have to incriminate yourself in any statement that you may make. You can testify if you want to, do you want to testify in this case?

A Yes sir.

DIRECT EXAMINATION

BY MR. MAIRE:

Q Walter, did you hear me read this statement to the jury about what was said and what took place upstairs on Sunday morning the 21st day of May, 1933?

A Yes sir.

Q Is that statement true?

A Yes sir.

Q The night Mr. Darcey got killed, were you present?

A Yes sir.

Q What did you have at that time if anything?

A Had that hammer in my hip pocket.

Q Has the condition of the hammer been changed any since then?

A No sir.

Q Was the tie onto it?

A Yes sir.

Q Anything else you want to tell the jury about how it happened that night?

A Well, yes sir. I want to tell the truth as far as I know.

Q Go ahead and tell them anything you want to tell them.

A Well, Saturday evening we made a plot about 6 o'clock when I fixed that hammer. Izell was the man that come and had this conversation with me, claimed he had located some money, but he had brought it up once before, before we went on the lake, but it wasn't recalled any more until Saturday evening after we come from the lake two weeks, but Saturday evening he bring it up again; he never got no satisfaction on it from me before that, but Saturday evening about six o'clock I made a promise that I would help him pull the job and me, Jack and Izell talked it over about six o'clock, and we all separated and went to town one by one, but I never knew Jack Williamson having a stick until he got on the street near the corner coming down, knew nothing about his stick; never knew anything about Izell whether he had one, where he was going to get one, because we went on the streets one by one, and then we gather and meet there on the corner by the Orange Cafe, and Jack Williamson walked up with that big stick, Izell Chambers came walking around there with the stick on top of the bunch there; I had the hammer in my pocket. I didn't know anything about Charley Davis being involved, had never seen him before as I had noticed.

And while we were standing on the street me and Izell and Jack, up walked Charley Davis, and Izell called him over to one side and spoke a few words to him and come back and said "Let's go!" and we walked down the street to the Ford garage and stopped and placed ourselves and talked a few minutes and said "Let's place ourselves everyone," now planning to take no life as far as I knew, but planning to take the man's money. Charley Davis hid by the corner of the garage, I went behind a truck standing against a white building, Izell Chambers went right across from me on the sidewalk, on the plain side walk, street;

Jack Williamson hid behind the tank on the Dixie side, every man placed. Izell say, "Here he comes now," and when he said that the man appeared out at the door of the garage and Charley Davis struck him with that broke stick twice, the first lick he hit him on the side and the next lick he hit like this (indicating with both hands down on the head) and the stick broke. If Jack Williamson hit him I couldn't see him because I was behind the truck, and that throwed him on the blind of me, because he was on the Dixie side, and I was on the West side behind a truck against a little white building, and that is all I know about it.

QUESTIONS BY THE COURT:

Q Did you have anything to do with taking the money?

A No sir, I didn't get any money off him. Charley Davis when he struck him the last lick and the man fell and he went down on him, -- I seen him pull a wallet from his pocket and he run and I run up to search the man too and broke and run and I seen him take the wallet out of this pocket and I put my hand on his hip pocket like that --

Q On whose pocket?

A On the man that was fell, on his hip pocket, and I wheeled and run and got into the dark and left these other two boys behind, I fell and when I got up I heard them running like on the left hand side and saw them and that throwed us all to come together beyond the jail on the right hand side in the dark, and when I got there Charley Davis had robbed the book; he handed me a leather bag with about a dollar in the bag, small change, it wasn't very much. I felt of it like that and handed it back to him and said "There was more money in there than that," and while we were talking there these other boys got there and

they asked where was the money, and he wheeled with the bag in his hand and said "I will see you all in the morning," and I didn't get any money and the other boys didn't get any money and I couldn't tell how much was in it and nothing about it.

QUESTIONS BY THE COURT:

Q Is that the bag there?

A Yes sir, that is it.

Q What did you do with it?

A I handed it back to him. He handed it to me with some change and I rubbed my fingers over it and felt of it and handed it back to him and said "There was more money in it than that," and he taken it and never said nothing.

Q Have you ever seen that purse?

A No sir, never seen that.

(Witness excused)

MR. MAIRE:

The State at this time offers in evidence the purse that was identified and testified to by Charley Davis.

THE COURT:

I would like to have some more evidence from some of the officers who got that to testify to where it has been kept.

MR. MAIRE:

What about the sticks?

THE COURT:

I would like for that to be brought out too.

MR. MAIRE:

The sticks have all been properly identified.

THE COURT:

I would like to know where they have been kept.

MR. MAIRE:

All right.

THE COURT:

And also where they found each article.

MR. MAIRE:

Yes sir.

R.C. EHLTON, having previously been duly sworn, being recalled on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Helton did you hear me read this statement to the jury?

A Yes sir.

Q Is that correct?

A Yes sir, that is the statement that they made upstairs.

Q Did you ever see these sticks before?

A Yes sir.

Q Where did you see them first?

A Two of them were found where Mr. Darcey was lying.

Q Which two?

A This one and this piece was lying right close. This hammer was found just beyond the jail out at the side of the road.

Q What jail and where?

A Pompano jail. Right with this bag, right near this bag, this cloth bag.

Q Were you present when the purse was found?

A I was the one that got the pouch from under the house.

Q Tell how it was found?

A In the room that Charley was staying in there is a crack on the back side of the room right down next to the wall and this purse was opened out and slipped down in that crack and caught on the sill, that is the papers in here were on the sill, but the purse had slipped beyond the sill. I had to take up two boards to get it off the floor, and it was lying out from the ledge like this with the papers all scattered over the ground. That is the way it was lying, just like that (indicating open).

Q I will get you to state now what County Pompano Florida is in and what State?

A Broward County, Florida.

Q The stick here, where did you first see that?

A I first saw that stick down here at the jail.

Q Of your own knowledge did you personally know who this belonged to before Mr. Darcey was killed?

A I think I have seen it a good many times, yes sir.

Q What about the pocket book?

A I never did see that before that I know of.

Q What do you say as to this?

A That was the bag that he kept his change in.

Q And the statements that are made in this statement I believe you said are true?

A That is the way they made them, yes sir.

Q Did each of them identify the sticks at that time?

A Absolutely, yes sir.

Q In the presence of each other?

A Each one picked out his own stick.

Q Who else was present when you found the purse?



A Mr. Williams and Sheriff Clark and Mr. Goodrich I think.

Q Anybody else?

A And walter, "Kid" there, -- Charley Davis, -- I think that was all that was present then.

QUESTIONS BY THE COURT:

Q Do you know who lived in that house?

A The house belongs to Mamie McNeelley. I think Charley was the only one that stayed in that room.

Q Did he go with you?

A Yes sir, he went with us.

Q He had already told you when you left here that he would tell you where the purse was?

A That he would tell us if we would take him up there, yes sir.

(Witness excused)

E.B. JOHNSON, having previously been duly sworn, being recalled on behalf of the State testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Johnson, did you hear me read this statement?

A Yes sir.

Q Is that a true and correct statement as to what transpired up in the jail the morning when you testified about when you were on the stand before?

A Yes sir.

Q That is what was testified?

A Yes sir.

(Witness excused)

W.F.FORD, having previously been duly sworn, being recalled on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Ford, did you hear me read the statement to the jury?

A Yes sir.

Q Is that a true and correct statement as to what happened up in the jail that you testified about when you were on the stand before?

A Yes sir.

(Witness excused)

W.C.GOODRICH, having previously been duly sworn, being recalled on behalf of the State testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Goodrich, did you hear me read this statement to the jury?

A Yes sir.

Q Is that a true and correct statement as to what transpired in the jail at the time you testified when you were on the stand before?

A Yes sir.

Q Do you know of your own knowledge where this stick was found?

A No sir.

Q Did you ever hear Izell Chambers make any statement about it about where he got it?

A Yes sir.

Q Or whether he had it the night Mr. Darcey was killed?

A He said he had it but I can't recall where he said he got it.

Q That is contained in this statement?

A Yes sir.

CROSS EXAMINATION

BY MR. GRIFFIS:

Q You say you don't know where this stick was found when it was brought to the jail?

A No sir.

(Witness excused)

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

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Clark, did you hear me read this statement to the jury?

A Yes sir.

Q Is that a true and correct transcript of what was said and done at the jail on Sunday morning May 21, 1933?

A Yes sir.

Q Do you know of your own knowledge where that red stick was found?

A I didn't find the stick; the negroes said that they picked the stick up.

Q Was Izell present when they made that statement?

A Yes.

Q Go ahead.

A Said that they picked this stick up on the path where I found the wallet and hammer there, where this negro lived,

where we found the stick. I was the one that found the wallet and hammer on the path a little ways from where they claimed they picked up that stick.

(Witness excused)

A.D.MARSHALL, first being duly sworn, being recalled on behalf of the State testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Marshall did you hear me read this statement to the jury?

A I did.

Q Is that a true and correct statement as to what transpired on Sunday May 21st, 1933 in the jailer's quarters of the Broward County jail?

A Yes sir.

Q This is the statement you testified about when you were first on the stand?

A Yes sir.

(Witness excused)

J.T.WILLIAMS, having previously been duly sworn, being recalled on behalf of the State testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q You heard me read this statement?

A Yes sir.

Q Is that a true and correct statement as to what transpired in the Broward County jail on the 21st day of May 1933?

A Yes sir.

Q All right sir, that is all.

(Witness excused)

MR. MAIRE:

Now the State desires to offer in evidence, I believe they call this a wallet, the purse, the hammer, stick identified by Charley Davis, the stick identified by Jack Williamson, and the stick identified by Jack Williamson and Charley Davis.

MR. GRIFFIS:

The defendant objects to the introduction of the last stick in evidence on the ground that it has not been properly identified. There is nothing to connect that stick with the crime or with this defendant.

MR. MAIRE:

Every witness that has taken the stand said this defendant had it there that night.

THE COURT:

OBJECTION OVERRULED. I don't recall anyone giving any evidence as to the finding of that last stick, however.

MR. MAIRE:

Do I understand that the others are admitted.

MR. GRIFFIS:

I didn't make any objection to the others.

THE COURT:

The others are admitted. I am inclined to admit the last, but I would like to know where it was found.

MR. MAIRE:

Yes sir. I will call that boy from the jail.  
Call Mack Little.

Thereupon MACK LITTLE, first being duly sworn, being called on behalf of the State testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

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

A In Pompano.

Q Did you ever see this stick here before?

A Yes sir.

Q Where did you first see it?

A I see it when I went down there to Mr. Travers house. I found it by the old house down there Sunday morning.

Q Where is that house in Pompano?

A Right down there by the ball diamond.

Q Do you know of your own knowledge who it belonged to?

A No sir. I don't know who it belonged to.

Q Do you know where the city jail is in Pompano?

A Yes sir.

Q Where is the ball ground with respect to the city jail?

A It is just across the rock road.

Q Across the rock road?

A Yes sir, in colored town.

Q And is the ball diamond where you found this stick?

A Yes sir, on the edge of the ball diamond at an old house where they was building but had quit building.

Q What did you do with the stick?

A I picked up the stick and knocked a can and carried it on to the house. I didn't know any blood was on the stick.

Q Was any blood on it?

A So they said.

Q Who did you give the stick to?

A I didn't carry it to nobody; they came there and search for the stick at my home and they got the stick.

Q You don't know of your own knowledge whether there was any blood on it?

A No sir. I didn't look to see if any blood was on it.

Q You found it at the old city jail across the street in Pompano?

A At the ball diamond.

Q That is across the road from the city jail in Pompano?

A Oh no sir. The ball diamond is off from the rock road, right back of Mr. Gary's drug store.

#### CROSS EXAMINATION

BY MR. GRIFFIS:

Q Where did you put your stick in your room?

A Right in the corner right by the door.

Q Do you keep sticks in your room like that usually?

A No sir.

Q Why did you put that one in there?

A I was knocking a can going to the house; I didn't know no blood was on it; I put it there in the house to knock cans with.

Q How old are you?

A Fourteen.

Q You didn't see any blood on it?

A No sir, if I had seen blood on it I wouldn't have carried it there.

Q Did it look like anybody else had been knocking cans with it when you got it?

A I was knocking cans on the ground like they do golf; I didn't notice.

(Witness excused)

MR. MAIRE:

I offer the stick in evidence.

MR. GRIFFIS:

Same objection.

THE COURT:

OBJECTION OVERRULED. The stick will be admitted in evidence.

MR. MAIRE:

THE STATE RESTS.

Thereupon the State rested.

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IZELL CHAMBERS, the defendant herein, first being duly sworn, being called on his own behalf testified as follows:

DIRECT EXAMINATION

BY MR. GRIFFIS:

Q You are Izell Chambers, the defendant in this case?

A Yes sir.

Q When was the first time you ever saw this stick?

A The first time I ever seen that stick was when I came here in jail.

Q Did you have that stick on the night Mr. Darcey was killed?

A Well the boys said I had it; they kept witnessing up against me, and they got me afraid and I said I had that stick.

Q Did you have it?

A No sir.

Q Did you have any stick?

A No sir. I didn't have no stick at all, but they said



I was talking over the case Friday evening; I didn't even go where they was at all. I stayed at home, at another boy's house. I laid down and slept until dark, and when I got to Walter Woodard's house, Walter Woodard was setting down playing cards, and after those people that was playing with him left that house, Jack and them went too, we laid down and slept and didn't talk, and he got up Saturday morning and said he had to have money to go home and see his wife and said he had tried to get some but didn't get none, but was going to get some some way or die in the attempt, and Saturday evening he started out, but he didn't tell me where he was going to get the money from, but he said he had to have some money, and we went up town and were all standing on the corner of the street, and Charley Davis walked up there and said "Hello, Izell. Where you been?" I said, "On the peanut farm," and he said, "Did you make much money?" I said, "Right smart," and I said, "You didn't go from here yet?" He said, "Yes, I been gone." "Where did you go?" I said. He said, "I went to Carolina," and I said, "You been off and come back here and the season off," and he said he was back here for a purpose, -- to get this man's money, and Charley Davis come up and said he was back, and told me that, and that was the first time I seen him was that Saturday night. They claimed I was in it and accused me with the stick, but I aint never seen the stick until I come in this jail house.

Q You never saw the stick at all?

A No sir, aint ever had any money and no stick at all. I was six or seven yards away when Charley Davis hit this man.

Q When you were with these boys did you know or have any reason to believe that they had any reason to kill the man?

A Well, Walter said he had to have some money, said he had

to go see his wife.

Q Did you know they had any intention of hitting him over the head with anything.

A No sir.

Q Did you have any intention to do that?

A No sir.

Q What was your intention in being there?

A I was just standing up there listening at the conversation; I was not in it; I made no plot. Walter said I made a plot with him and persuaded him in it. How in the world can I persuade as experienced and as old a man as Walter. And he said he had robbed before in Miami. I have never robbed a man before, but they accused me of it.

Q Who was the first one mentioned this robbery to you?

A Walter Woodard mentioned it.

Q Was that before he went to the lake?

A That is when he come off the lake. He said he had been there to this man's buying fish; said he had been there to get the money but didn't get it, said another man got it that come from Carolina, and I seen Charley Davis when he hit that man and the man fell; I seen Walter Woodard stop and put his hand on this man's pocket after he fell; Walter run behind Charley, and I run off too.

Q Where were you when Mr. Dorcey was hit, behind him or ahead of him?

A No sir, I was gone on down the street ahead of him; I was six or seven yards away when Charley Davis hit him.

Q You told them you were not going to have anything else to do with it?

A I heard the conversation, heard what they said, but I was

not in it. Q. ~~Did you know how they were going to get~~  
the money?

A No sir.

Q Did you get any of the money?

A No sir. Charley Davis hit the man and run off and Walter followed him and said he fell down, and I met up with them, but Walter come in Mr. Blount's quarters and met me at Bob Wright's house and said "Well, boys, I made a blank."

Q Who told you that?

A Walter Woodard. I said "What is that?" and he said "I didn't get any money." And he didn't give me any money and he told me to come over there soon in the morning and he would see me, and Walter said this boy showed him \$1.30 and Walter said he said "Is that all you have got you can keep that," and he said he would see him in the morning, and my brother and Walter went over there, and when they got there they boy was in jail, and he said "Is the boy going to tell who was with him, and who locked in the sack?" and I said, "You know he is going to tell" and Walter spoke like, said, "Well, wasn't nobody there but me," and Walter said, "If anybody causes me to get in trouble, if I ever get out he is dead." like that. "I will kill him." I know he was talking about me because wasn't nobody there but me. I was the one he was talking about.

Q You didn't know at the time that they had any intention of hitting him over the head with these sticks?

A No sir, but I was there. I looked at it, how they done it, and all, listened at the conversation, but I was not in it, and have not made no plots with none of them. Walter said he had done it before; Charley Davis said it wasn't his first time too. Of course they claimed I was in it and made a plot against

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me. All said I was in it, while I was there, saw it, how it happened. I told them I saw it.

Q Who was the first one to tip the officers off to who did it?

A Sunday morning when they brought me down Walter told me not to tell it and I didn't tell it until a good little bit after that, and then I told it, who did it.

Q Did Charley Davis know that you had told it before he told them?

A No sir. He tried to get me not to tell it while I was in jail.

Q Did you talk about it while you were up in jail, all three of you?

A All three of us were together and they told me not to tell it, after they brought Charley Davis down here on it. I thought Walter got the money. It was such a distance I couldn't tell. Charley Davis said it was him and Walter said he was the one that got it. I didn't go with the boys, didn't grab the man. I seen Walter and Jack when they got in the quarters at Bob Wright's house. I didn't see that boy yonder until I come in jail. I am guilty of being there and seeing how it was done. I seen who I thought got the money but it was another man. The one that hit him got the money.

Q You know the rest of the boys all pleaded guilty?

A Yes sir.

Q And you would not plead guilty would you?

A No sir.

Q You claim you were not in it?

A No sir. I wasn't in it.

CROSS EXAMINATION

BY MR. MAIRE:

Q Izell, of course when you were present with these boys that night you didn't know they were going to hit Mr. Darcey on the head did you?

A No sir, I didn't know it.

Q And you didn't have any intent of hitting him yourself and didn't know they were going to hit him?

A No sir.

Q But you did know they were going to get money off of him?

A Yes sir, I did. I knew that up on the street where they started talking there.

Q You didn't know before you went to rob Mr. Darcey?

A I was talking with them on the street.

Q You stayed with them until they robbed Mr. Darcey?

A I said, "I am going on ahead," and we boys went down the street and Charley Davis looked back and said "Yonder comes the man now," and he run and got a stick under a car and Walter said, "You get between the car there and the house."

Q Weren't you present when they hit Mr. Darcey?

A Yes sir.

Q You saw who hit him?

A Yes sir.

Q And you knew before they went there that they were going to try to get some money off Mr. Darcey?

A Yes sir. They said they were going to get some money.

Q You made a statement here up in the jail on Sunday morning, May 21st, 1933?

A Yes sir.

Q Didn't you have that stick in your hand at that time?

A Yes sir.

Q Didn't you say in this statement in the presence of all of these men that you had that stick in your hand there that night when Mr. Darcey was beat up and robbed and killed?

A Yes sir, I said I had that stick, but I was frightened when I had that stick, but I never seen that stick until I came in jail.

Q But you did have that stick that night when Mr. Darcey was hit?

A I don't even know where that ball diamond was over there.

Q Mr. Darcey wasn't killed on the ball diamond was he?

A No sir.

Q Do you know whether he was killed in the front of the Ford garage?

A Yes sir.

Q And you were there and saw Charley Davis hit him?

A Yes sir.

Q Didn't you have that stick?

A Yes sir. They said I had the stick and I told you all up there that I had the stick.

Q All right then you did have the stick?

A Yes sir, I told you I had the stick, but I hadn't never seen it before then.

Q Mr. Darcey was killed on Saturday May 13th or was hit?

A Yes sir.

Q You didn't make any statement about this at all until Sunday May 21st, a whole week?

A I told it then.

Q And these officers questioned you all week long and you denied it at first?

A I denied about what the man told me to do, yes sir.

Q And you denied it one week after it happened?

A Yes sir.

Q And when the rest of the boys went up there you admitted it when you had to do it?

A The people didn't know exactly how it was until I come down and told it myself.

Q If you weren't denying it why did you wait a week before you told the truth about it?

A I was off one day, and I didn't tell it because Walter told me if I told it he would kill me.

Q He never did tell you to tell it?

A No sir.

Q But you finally told it?

A Yes sir, I told it.

Q One week after it happened?

A Yes sir.

RE-DIRECT EXAMINATION

BY MR. GRIFFIS:

Q Did you tell them during your testimony that you had this stick or any other stick?

A I told them that I had that stick; these boys kept on saying I had the stick and I told them I had it, but it is something I know not of; I hadn't seen the stick before. My first time I see it is when I come in jail, that I said I had it.

Q Why did you say that, you told them you had that stick?

A Well the boys kept on and I got frightened and told them I had the stick so it would be a relief to them; I told them I had the stick but that is a stick I had never seen, but it is on the paper that I said I had it.

Q Is this the only statement you made that night about the stick? The question was asked you: "The stick that you got in your hand there, is there any blood on it? Do you know how that blood got there?" And you answered: "No sir, I sure don't, because I didn't hit him." The next question that was asked you was: "Did you leave the stick there when you ran away?" And your answer was: "No sir, I didn't leave the stick there." Next question: "What did you do with the stick?" and your answer was "I threw it down on the street or the railroad." That is the only time you said anything about the stick?

A Yes sir.

Q And you made that statement because you were frightened?

A I said I threw it down on the railroad, but I was frightened and that is why I said I threw it down on the railroad.

Q Have you talked to any of these boys since you all made these statements up there?

A No sir.

Q Have you seen them?

A No sir, until the day we come out.

Q The day you come out where?

A Until we come down for trial.

Q You weren't in the cell with them?

A No sir, not with them.

Q Have you been kept together?

A No sir, aint been kept together; some of them was kept pretty close; two of them in the same cell.

Q You have been kept in separate cell?

A I have been kept in Miami.

Q You have been kept in Miami all the time?

A Two weeks today.



Q You have just come back from Miami?

A Yes sir.

Q These other boys, have they had a chance to make up this story against you?

A Yes sir, they been up here and I been in Miami.

Q Did you expect to get any of the money?

A No sir, I wasn't looking for none of it, because I didn't hit the man.

Q You didn't consider yourself in on the job?

A No sir, if I had have hoped for the money I would look to get some of it; I wasn't looking for none of it; I know they was the ones that done the hitting and snatching the money and I know they done it.

RE-CROSS EXAMINATION

BY MR. MAIRE:

Q This red stick is the one you had and the one you were talking about when you said what you did, that Mr. Griffis read to you?

A Yes sir.

Q You said something about these boys being in jail together and framing up on you?

A I didn't say they were in jail together.

Q Don't you know that the other three boys have been kept separate from and apart from each other in this jail here in Ft.Lauderdale?

A Well, when I was in here, one was on one floor, and all three on the other, one while when I was in there, a couple of days. I don't know where they were, but Jack and Walter was around there somewhere.

Q You say you have been in Miami two weeks?

A Two weeks tonight.

Q And you don't know whether the other three have been together in that two weeks or not do you?

A I don't know sir, not since then I don't know.

(Witness excused)

Thereupon the defendant rested.

There upon J.T. WILLIAMS, having previously been duly sworn, being recalled on rebuttal testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Did this defendant Izell Chambers make any statement to you about this stick?

A Yes sir.

Q When?

A The first time was Sunday morning of the 21st about 3 o'clock.

Q What statement did he make with reference to it then?

A He said that that was the stick that he had, and that was the stick he used, that he cut it in Mr. Blount's quarters on Friday afternoon and carried it to his house and left it along with Jack's stick there and took it Saturday night, walked with it up town and had it at the scene of the crime where Mr. Darcey was murdered and when he left there he threw it down back behind the jail somewhere back below the jail as he run on around.

Q He said something about blood stains on it. Is there any stain on it?

A There is blood stain on it, yes sir.

Q Can you find any now?

A Yes sir. There are two right there and there is one right here.

Q Who else was present when he made that statement to you?

A Sheriff Clark and Mr. Marshall. I wouldn't be positive that Mr. Goodrich wasn't present. I believe he was. Mr. Helton I believe too was present.

Q Is that the stick he had when he made this written statement?

A Yes sir, this is the stick he identified as his weapon at the same time he identified the other weapons.

Q How many trips did you make to the Broward County jail to interrogate the other three defendants in this case?

A I came every day from Monday the 15th until Thursday and I skipped Thursday -- until Friday -- I skipped Friday and came back Saturday.

Q At any time that you came to the jail in Ft. Lauderdale, was Charley Davis, Jack Williamson and Walter Woodard together in the jail?

A No sir.

Q Were they where they could communicate with each other?

A No sir.

Q Were they even on the same floor?

A No sir, I think two were on the same floor, but one was outside the bull pen and the other was back on the back and the other one was on the next floor down.

(Witness excused)

WALTER CLARK, having previously been duly sworn, being recalled on behalf of the State on rebuttal testified as follows:

DIRECT EXAMINATION

BY MR. HARPE:

Q Mr. Clark, did you ever talk to this defendant about that particular stick?

A Yes sir.

Q Do you remember when the first time was that he made any statement with reference to that stick?

A It was Sunday morning somewhere around 2 o'clock.

Q Was that before the written statement was taken down?

A Yes sir.

Q What statement did he make with reference to that stick?

A He said that was the stick he had and he told about cutting it out towards the Blount quarters, tried to explain to us what road he cut it on, at the Blount quarters there.

Q Do you know how the other three prisoners were kept in the Broward County jail?

A Yes sir.

Q Explain to the jury?

A They were, one kept on the one floor and the other two on another floor, one outside the bull pen and the other back on the other side beyond another partition.

Q Have they had any opportunity to frame up on each other?

A No sir. Neither one knew where the other one was kept.

Es couldn't have any opportunity to frame up on the others.

(Witness excused)

THEREUPON THE DEFENDANT AND THE STATE RESTED.

Thereupon counsel argued the case to the jury.

Thereupon at 5 o'clock P.M. Court adjourned until 7 o'clock P.M. on said June 12th, 1933 for supper, the jury being in charge of its bailiff.

Thereupon at 7 o'clock P.M. on said date Court was called to order, the Jury duly polled and seated in the jury box, and the defendant with his counsel and the State attorney being present in open Court the following proceedings were had:

THE COURT:

Gentlemen, I will read the charge to you at this time.

Thereupon the Court read the following

CHARGE TO THE JURY

Gentlemen of the Jury:

The defendant, Izell Chambers, is on trial before you upon an indictment returned by the Grand Jury of Broward County, Florida, wherein and whereby the said Izell Chambers and Charlie Davis, Jack Williamson and Walter Woodard are charged with murder in the first degree alleged to have been committed in the unlawful killing of, from and with premeditated design to effect the death of one Robert M. Darsey.

The indictment in this cause against the defendants, Walter Woodard, Jack Williamson and Charlie Davis, has been disposed of by plea, and the defendant, Izell Chambers, is now on trial before you under the indictment aforesaid. You will confine your deliberations solely and exclusively in determining whether or not the defendant, Izell Chambers, is guilty as charged in and by said indictment.

The indictment returned against the said Walter Woodard, Jack Williamson, Charlie Davis, and Izell Chambers is in five

counts. The first of said counts charges that all of the said defendants jointly on the 13th day of May A.D. 1933, with force and arms, at and in the County of Broward, and State of Florida, did unlawfully, feloniously, and from a premeditated design to effect the death of one Robert M. Darsey, did kill the said Robert M. Darsey by striking and beating him, the said Robert M. Darsey, with a stick or sticks, a cudgel or cudgels, an axe handle or axe handles, or by striking and beating him, the said Robert M. Darsey, with a dangerous weapon, a more particular description of which is to the Grand Jurors unknown, against the form of the Statute in such case made and provided.

The second of said counts of the indictment charges that the defendant, Charlie Davis, on the 13th day of May A.D. 1933, did unlawfully, feloniously and from a premeditated design to effect the death of one Robert M. Darsey, with force and arms, at and in the County of Broward, did kill the said Robert M. Darsey, in the manner alleged in the first count of said indictment, and that the defendants, Izell Chambers, Walter Woodard and Jack Williamson at the time and place of the commission of said felony were feloniously present then and there aiding and abetting the said Charlie Davis the said felony to do and commit, against the form of the statute in such case made and provided.

The third count of the indictment charges the defendant, Jack Williamson, with having actually committed the felony aforesaid, and that the defendant, Izell Chambers, Walter Woodard and Charlie Davis were feloniously present then and there aiding and abetting the said Jack Williamson, the said felony to do and commit.

The fourth count of the indictment charges the defendant,

Izell Chambers, with having actually committed the felony aforesaid, and the defendants, Walter Woodard, Jack Williamson and Charlie Davis were then and there feloniously present, aiding and abetting the said Izell Chambers, the said felony to do and commit.

The fifth count of the indictment charges the defendant, Walter Woodard, with having actually committed the felony aforesaid, and that the defendants, Izell Chambers, Jack Williamson and Charlie Davis, were feloniously present then and there aiding and abetting the said Walter Woodard the said felony to do and commit.

You have heard the evidence and the argument of counsel, both for the State and the defendant. It now remains for the Court to give you the law in charge, to which you are to apply the facts as you find them from the evidence before you, coming from the witnesses who have been sworn in the case, and such other evidence as the Court has admitted herein. It is upon this evidence and this alone that you are to try this defendant. You, as such jurors, under your oaths, are to calmly, fairly and dispassionately consider all the evidence in the case and from it and from the law as charged you by this Court, arrive at your verdict. It is your province and yours alone to pass on the disputed issues of fact from the evidence in the case, and it is the Court's province to give you the law in charge, to which you are to apply these facts as you find them. You are not to be swayed from the performance of your duty by prejudice, sympathy or any other sentiment, but you must try the case fairly and impartially upon the evidence. You are the sole judges of the evidence, the weight of the same, and the credibility of

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the witnesses who have testified before you. It is your duty to take the testimony of all the witnesses testifying in the case, and, if you can, reconcile it so as to make them all speak the truth, but if, after a careful, fair and conscientious consideration of the evidence, you can not reconcile the testimony of the different witnesses, then it becomes your duty, under your oaths as jurors to decide as between the different witnesses, which witness or set of witnesses has testified truthfully as to material facts, and make your verdict on the testimony that you believe to be true. And, in the consideration of the testimony, you should consider the manner of the witness on the witness stand in the giving of his testimony; the bias or prejudice, if any, of the witness in the result of his testimony; the intelligence or otherwise of the witness, in order that you may judge of the correctness of his observation, and his ability to detail intelligently what he has observed; the position of the witness both at the time of the happening of the event testified about, and at the time of the giving of his or her testimony; the reasonableness or otherwise of his or her testimony as judged by your common sense and every-day experience; any conflict or discrepancies as to material questions which you may find to exist in the testimony of the witness and the testimony of any other witness or witnesses whom you may believe to have testified truthfully; any corroborations which you may find to exist in the testimony of the witness and the testimony of any other witness or witnesses whom you may believe to have testified truthfully; and, in fact, Gentlemen, it is your sole province to consider all the surroundings of the witness bearing



upon the credibility of the witness or otherwise, in arriving at the weight that you will attach to his testimony. You must do this carefully, fairly and impartially under your oaths as jurors empanelled to try this case. And, if in the consideration of the testimony of any particular witness, as judged by the rules above stated, you believe that it is untrue, you have the right to ignore such testimony as you believe untrue in making up your verdict.

Under the laws of this State, a defendant has the right to take the stand and testify in his own behalf, and such testimony goes before you the same as the testimony of other witnesses in the case, to be weighed and considered according to the same rules.

The defendant in every criminal case is presumed to be innocent until the State has by competent evidence shown his guilt to the exclusion of and beyond a reasonable doubt, and before this presumption of innocence leaves the defendant every material allegation of the indictment must be proved by the evidence to the exclusion of and beyond a reasonable doubt, and this presumption of innocence accompanies and abides with the defendant as to each and every material allegation in the indictment, through each stage of the trial, until it has been so met and overcome by the evidence as to the exclusion of and beyond a reasonable doubt, and if any one of the material allegations of the indictment is not proven to the exclusion of and beyond a reasonable doubt, you must give him the benefit of such doubt, and acquit him, or reduce the grade of the offense as the facts as you find them from the evidence may require. But if you believe from the evidence and to the exclusion of every reasonable doubt that the defendant is guilty of the crime

of murder in the first degree as charged in the indictment, or of any offense within such indictment, then you should find the defendant guilty of such offense as the facts as you find them from the evidence may require.

A reasonable doubt is that state of the case which, after an entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they can not say that they feel an abiding conviction to a moral certainty of the truth of the charge.

And, Gentlemen, as you will see by the instructions following, every homicide is not unlawful, but there are certain classes of homicide that are lawful and are known in the law as "justifiable and excusable." It is, therefore, the duty of the State before the jury can convict to show by the evidence that the homicide in this particular trial is an unlawful homicide, and this fact must appear from the evidence to the exclusion of and beyond a reasonable doubt. If the jury have a reasonable doubt as to whether the homicide is lawful or not, then the benefit of such doubt must be given to the defendant and he be acquitted.

Now, under the indictment in this case, the defendant, Izell Chambers, may, if the evidence warrants it, be convicted either of murder in the first degree, murder in the second degree, or manslaughter or be acquitted. If you convict him of an unlawful homicide, you must say in your verdict of what degree of homicide you convict him; that is to say, if you convict of murder in the first degree, you say in your verdict: "We, the jury, find the defendant guilty of murder in the first degree; so say we all;" if of murder in the second degree you say: "We, the Jury, find the defendant guilty of murder in the second degree; so say we all. "If of manslaughter, you say, "We,

the jury, find the defendant guilty of manslaughter; so say we all." If you acquit the defendant, you say, "We, the jury, find the defendant not guilty, so say we all." In each such instance the verdict is to be dated and signed by one of your number as foreman.

The killing of a human being is either justifiable or excusable homicide or murder, or manslaughter, according to the facts and circumstances of each case.

A homicide is justifiable when committed by any person (1) when resisting any attempt to murder such person, or to commit any felony upon him or upon or in any dwelling house in which such person shall be; or, (2) when committed in the lawful defense of such person when there shall be a reasonable ground to apprehend a design to commit a felony or to do some great personal injury, and there shall be imminent danger of such design being accomplished; or (3) when necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Homicide is excusable when committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution, and without any unlawful intent, or by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat, without any dangerous weapon being used, and not done in a cruel or unusual manner.

Both justifiable and excusable homicide are lawful.

The unlawful killing of a human being, when perpetrated from a premeditated design to effect the death of the person killed, or any human being, or when committed in the perpetration of or in the attempt to perpetrate any arson, rape, robbery or burglary, is murder in the first degree.

Robbery is the felonious taking of money or other property from the person of another or in his presence, against his will, by means of force or intimidation. The gist of the offense is the felonious taking by the accused, being at the time armed with a dangerous weapon, of money or property from the person of another by violence or putting in fear.

The unlawful killing of a human being when perpetrated by any act imminently dangerous to another evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree.

The unlawful killing of a human being when perpetrated by the act, procurement or culpable negligence of another in cases where such unlawful killing is not murder in one of its degrees, is manslaughter. Also, whoever shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any other unlawful act, or after such attempt shall have failed, shall be deemed guilty of manslaughter.

Now, Gentlemen, premeditated design to effect the death of a particular individual is a necessary ingredient in murder in the first degree, except as hereinafter charged, and this premeditated design to effect death must appear from the evidence to the exclusion of and beyond a reasonable doubt, otherwise the defendant can not be convicted of murder in the first degree.

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Premeditated design to effect death as used in the statutes relating to homicide means an intent to kill formed before the act of killing, and of which intent the killing is the result. There is no prescribed length of time necessary to constitute "premeditation." It is sufficient if there was a fully formed purpose to kill and enough time for thought for the mind of the defendant to have become fully conscious of the design to kill, formed before the act and that the act was the result of the design. The fact of premeditation, like every other material fact, must appear from the evidence to the exclusion of and beyond a reasonable doubt.

Premeditated design to effect the death of the person killed, or any human being, is an essential element of murder in the first degree, except when the unlawful killing is committed in the perpetration of or in the attempt to perpetrate any arson, rape, robbery or burglary. In such cases the premeditated design to take life need not exist necessarily. If the homicide is perpetrated in the commission of or attempt to commit arson, rape, robbery or burglary, it is murder in the first degree regardless of the intent to kill.

Where two or more persons combine and confederate together to perpetrate any arson, rape, robbery or burglary and while perpetrating the same in pursuance of such design, if either beats, wounds and kills the person upon whom such arson, rape, robbery or burglary, if any, is attempted to be made, or any human being, during the attempt to so commit such arson, rape, robbery or burglary, then and in such event each of the persons so engaged in the commission of such felony would be guilty under our statutes of murder in the first degree.

It is not necessary in order to show murder in the first degree to prove a premeditated design of the principal who actually committed the robbery where the unlawful killing was committed in the perpetration of arson, rape, robbery or burglary. Neither is it necessary to prove that the other principal who was present actually or constructively aiding and abetting in the robbery had a premeditated design to effect the death of the person killed in the robbery of him or that the aider and abetter knew or believed the other principal had an intent to kill. If the aider and abettor was present actually or constructively aiding and abetting the robbery and the unlawful killing was committed in the perpetration of or in the attempt to perpetrate the robbery he is equally guilty of the murder with the other principal even though prior to the robbery there was no premeditated design by either to commit a homicide.

The Court charges you, gentlemen, that under the law, a person may participate in a felony as a principal in the first degree or as a principal in the second degree. Those who participate in such felony, whether as a principal in the first degree, or as a principal in the second degree, are punishable under the law in the same manner and are held to the same responsibility for such crime.

A principal in the first degree is the person who actually commits the felonious act. A principal in the second degree is one who aids and abets the principal in the first degree in the commission of the felonious act, and who must be present either actually, or constructively, at the time of such felonious act, aiding and abetting the principal in the first degree in the commission of the felonious act. The distinction between the principal in the first degree and the principal in the second degree

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is that the principal in the first degree is the immediate cause of and actual perpetrator of the felony, while the principal in the second degree does not actually commit the felony but is present, actually or constructively, aiding and abetting and giving assistance to the principal in the first degree in the commission of such felony.

It is immaterial whether in an indictment two or more persons are charged as principals in the first degree or one of them is charged as principal in the first degree and the other as principal in the second degree. Proof that either one committed the alleged felony and the other was present actually or constructively, aiding and abetting the perpetrator in the commission of such felony may be shown and when such proof is beyond a reasonable doubt will sustain such charge. Both the principal in the first degree and the principal in the second degree are equally guilty, if proven so beyond a reasonable doubt, and it is not material which one is alleged to have actually committed the felonious act, if it is duly proven beyond a reasonable doubt that one committed the act, and that the other was present actually or constructively, and aided and abetted in the alleged felony.

I further charge you that while a principal must either have actually committed the felonious act or else have been present aiding and abetting his partner in the crime, the presence of the aider and abettor need not have been actual, but it is sufficient if he was constructively present, provided the aider and abettor, pursuant to a previous understanding is sufficiently near and so situated as to abet or encourage or to render assistance to the actual perpetrator in committing the felonious act.

When several persons combine together to commit an unlawful act, each is criminally responsible for the acts of his associates committed in furtherance of the common design, and if several persons combine to do an unlawful act, and in the prosecution of the common object a culpable homicide results, all are alike criminally responsible for the probable consequences that may arise from the perpetration of the unlawful act they set out to accomplish. The immediate injury from which death ensues is considered as proceeding from all who are present and abetting the injury done, and the actual perpetrator is considered as the agent of his associates. His act is their act as well as his own, and all are equally criminal.

If you should find from the evidence beyond and to the exclusion of a reasonable doubt that the defendant Izell Chambers in the County of Broward, and State of Florida, at any time prior to the finding and return of the indictment against him, to-wit May 22, 1933, struck, beat, bruised and killed Robert M. Darsey in the manner and form and by the means alleged in the indictment and that the killing of him, the said Robert M. Darsey, if he was killed, was done by the defendant, Izell Chambers, from and with a premeditated design to effect the death of him, the said Robert M. Darsey, then and in such event it will be your duty to find the defendant, Izell Chambers, guilty of murder in the first degree; if you should find from the evidence that the deceased was killed by Walter Woodard, Jack Williamson, and Charlie Davis, or by either of them, at any time prior to the finding and return of said indictment filed herein, by beating and striking the said Robert M. Darsey, in the manner and form as charged in and by the indictment, and that the killing of



him, the said Robert M. Darsey, was committed by the defendants, Walter Woodard, Jack Williamson and Charlie Davis, or either of them, unlawfully from and with a premeditated design to effect the death of him, the said Robert M. Darsey, and that at the time of such killing, if the said Robert M. Darsey was killed, that the defendant Izell Chambers was then and there present, aiding, advising, assisting, counseling or abetting them, the said Walter Woodard, Jack Williamson and Charlie Davis, or either of them, to beat, strike, bruise and kill him, the said Robert M. Darsey, and knew that the said Walter Woodard, Jack Williamson and Charlie Davis, or either of them, were then and there going to kill or beat and strike him, the said Robert M. Darsey, then and in such event the defendant Izell Chambers would be guilty of murder in the first degree in like manner as if he had struck the fatal blow which caused the death of him, the said Robert M. Darsey.

If you should find from the evidence beyond and to the exclusion of a reasonable doubt that the defendants Izell Chambers, Walter Woodard, Jack Williamson and Charlie Davis, in the County of Broward, and State of Florida, in the manner and by the means alleged in the indictment while in the perpetration of or in the attempt to perpetrate any rape, arson, robbery or burglary struck, beat and killed him, the said Robert M. Darsey and that such act of killing was done in the perpetration of or attempt to perpetrate such rape, arson, robbery or burglary, and that the defendant, Izell Chambers, was present and acting with them, the said Walter Woodard, Jack Williamson and Charlie Davis, or with either of them, in the perpetration of or attempt to perpetrate such rape, arson, robbery or burglary, and the said deceased Robert M. Darsey was struck, beat and killed by

the defendant Izell Chambers, or by him, the said Jack Williamson, or Walter Woodard or Charlie Davis, while in the perpetration or attempt to perpetrate such rape, arson, robbery or burglary, as aforesaid, then and in such event the said Izell Chambers whether or not he struck the fatal blow which caused the death of him, the said Robert M. Darsey, would be guilty of murder in the first degree and it would be your duty to so find.

If, after a fair, careful and conscientious consideration of all the evidence in this case you have a reasonable doubt as to whether or not the deceased Robert M. Darsey was actually killed by Izell Chambers, or whether or not, if so killed, the defendant Izell Chambers aided, advised, assisted, encouraged or abetted the said Walter Woodard, Jack Williamson or Charlie Davis to kill the deceased, then in such event you should give the defendant the benefit of the doubt and acquit him even though you may believe that defendant Izell Chambers was personally present at the time the deceased was killed, and knew that the defendants, Walter Woodard, Jack Williamson and Charlie Davis, or either of them, intended to kill the deceased.

If you should believe from the evidence that any confession or confessions have been made by the defendant Izell Chambers but should further believe that such confession or confessions were not freely and voluntarily made or that the same were induced by reason of fear, force, threats, intimidation or by the offer of reward or by the use of undue method whatsoever, then in such event it is entirely within your province to disregard the testimony as to such confession or confessions, which you may believe were in this manner or were thus obtained.

If you find the defendant Isell Chambers guilty of murder in the first degree, a majority of your number may in your verdict recommend him to mercy, which recommendation will have the effect of reducing the penalty of the offense from death to imprisonment for life, but any verdict as to the guilt or innocence of the defendant must be concurred in by each of you. In such event, you add to your verdict just prior to the words, "so say we all", the words, "And recommend him to the mercy of the Court."

You may now retire and consider your verdict.

Upon retiring, gentlemen, to your jury room, your first duty will be the selection of one of your number as foreman who will preside over your deliberations and sign your verdict when you arrive at one. You may retire gentlemen for the consideration of your verdict.

Thereupon the jury retired at 3:15 for the consideration of their verdict.

Thereupon at 3:50 the jury announced ready to report.

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

THE COURT:

Gentlemen of the jury have you arrived at a verdict?

FOREMAN:

We have your Honor.

THE COURT:

Pass it up by the Clerk. You will hearken to your verdict as read to you by the clerk.

Thereupon the clerk read in open court as follows:

"We the jury find the defendant guilty of Murder


in the first degree. So say we all. Fort Lauderdale, Fla.  
June 12th, 1933, Lawrence S. Rickard, Foreman."

Thereupon it was ordered by the Court that the verdict  
be filed and the jury excused from the further consideration  
of the case and that the defendant be remanded to the custody of  
the Sheriff.


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I, J.W. Coleman, Official Court Reporter of the 22nd  
Judicial Circuit of Florida, in and for Broward County,  
do hereby certify that the above transcript of testimony and  
proceedings had in the case of The State of Florida vs.  
Izell Chambers, contained on pages 1 to 143 inclusive, is  
a correct transcript of the testimony and proceedings in  
said case.

CERTIFIED to this 13th day of September, A.D. 1933

  
\_\_\_\_\_  
Official Court Reporter  
Circuit Court 22nd Judicial  
Circuit of Florida.

Subscribed before me this  
13th day of September, A.D. 1933.

  
\_\_\_\_\_  
Deputy Clerk Circuit  
Court, Broward County  
Florida