

[Chambers v. State](#)

Supreme Court of Florida

August 5, 1933

[NO DOCKET NUMBER]

Reporter

111 Fla. 707; 151 So. 499; 1933 Fla. LEXIS 2078

ISIAH (IZELL) CHAMBERS, *et al.*, V. STATE

Subsequent History: [***1] Opinion Filed December 19, 1933; Opinion on Petition for Writ of Error *Coram Nobis*, Filed January 22, 1934

Prior History: A writ of error to the Circuit Court for Broward County, George W. Tedder, Judge.

Core Terms

writ of error, sentences, transcript of the record, convictions, circuit court, cases, murder

Case Summary

Procedural Posture

The Circuit Court for Broward County (Florida) convicted defendants of murder and sentenced them to death. Defendants filed a writ of error and their execution was stayed pending an outcome of that writ.

Overview

Defendants filed a petition for writ of habeas corpus seeking avoidance of the death sentences, on the ground of alleged invalidity of the trials and hearings upon which they were severally adjudged guilty and sentenced. The court refused to entertain the petition for habeas corpus, but did, upon praecipe of counsel, issue its writ of error from the court directed to the circuit court, and at the same time entered its order directing a stay of execution of the sentences of death, until the transcript of the record could be brought to the court in due course pursuant to the writ of error and the case considered by the court thereon. Defendants abandoned the appeal. However, in response to the writ the complete transcript of the record had been prepared and filed in the court for consideration. Because of the nature of the crime and the sentence, the court reviewed the record anyway.

Three defendants pleaded guilty. One was tried and convicted. The court held that nothing in the transcript raised the slightest doubt as to the propriety of the convictions and sentences in the case as to either of the condemned defendants.

Outcome

The court affirmed the trial court's judgment.

LexisNexis® Headnotes

Criminal Law & Procedure > Preliminary Proceedings > Arraignments > General Overview

Criminal Law & Procedure > Appeals > Standards of Review > General Overview

Evidence > Authentication > General Overview

HN1 Where a transcript of the record proper in a criminal case has been brought to the supreme court on a writ of error taken by a convicted defendant, and it is made to appear thereby that no bill of exceptions was made up and authenticated in the cause, the supreme court may upon motion of the representative of the State, and will as a general rule upon such motion, affirm the judgments appealed from if, upon a careful consideration of the transcript of the record proper brought to the supreme court in response to the writ of error, no errors appear in the record of the indictment, arraignment, trial, conviction or sentence of the accused.

Constitutional Law > ... > Fundamental Rights > Criminal Process > Speedy Trial

Criminal Law & Procedure > Preliminary Proceedings > Speedy Trial > Constitutional Right

HN2 The Florida Constitution provides that right and justice shall be administered without delay.

Counsel: *D. W. Perkins*, for Plaintiff in Error;

Cary D. Landis, Attorney General, and *Roy Campbell*, Assistant, for Defendants in Error.

Judges: DAVIS, C. J., WHITFIELD, TERRELL and BUFORD, J. J., concur; ELLIS, J., concurs in the conclusion; BROWN, J., absent and not participating because of illness.

Opinion by: DAVIS

Opinion

[*707] ORDER:

It appearing that a writ of error has been issued herein under Section 8463 C.G.L., 6149 R.G.S., to the judgment [*708] of death alleged to have been entered against the plaintiffs in error by the Circuit Court of Broward County, and it appearing that said writ of error is returnable to this Court on the 27th day of October, 1933, and that plaintiffs in error are not held in custody at the State Prison awaiting execution of the Governor's death warrant.

It is thereupon considered, ordered and adjudged by the Court that the execution of the judgment of death against the plaintiffs in error be stayed until the further order of this Court and that the writ of error issued herein do operate as a supersedeas of the judgment complained of on the plaintiffs [***2] in error complying with the conditions prescribed by law relating to supersedeas in capital cases, and that the persons of the plaintiffs in error, and each of them, shall be held in custody by the proper officers as security for their forthcoming to answer and abide the final order, judgment and decree of this Court.

It is further ordered that the writ of error which has been issued herein shall be transmitted by the Clerk of this Court to the Clerk of the Circuit of Broward County, Florida, who shall record the same in the minutes of the Circuit Court of said Broward County, and that said Clerk of the Circuit Court of Broward County shall forthwith cause to be issued and served the notice of such writ of error required by Section 8464 C.G.L., 6150 R.G.S.

All of which is ordered to be certified to the Circuit Court of Broward County, Florida, by the Clerk of this Court, together with the writ of error issued herein.

DAVIS, C. J., and WHITFIELD, TERRELL and BROWN, J. J., concur.

[**499] DAVIS, C. J. -- On August 4, 1933, Isiah Chambers, Jack Williamson, Charlie Davis and Walter

Woodard, alleging themselves to be held in custody of L. F. Chapman, Superintendent [*709] [***3] of the State Prison, under death warrants issued by the Governor for their execution for [***500] the capital crime of murder in the first degree, and that they were then about to be forthwith put to death in the electric chair for said crime, presented to this Court, through their attorney, one D. W. Perkins, a petition for writ of habeas corpus seeking avoidance of the death sentences, on the ground of alleged invalidity of the trials and hearings upon which the accused were severally adjudged guilty and sentenced.

This Court refused to entertain the petition for habeas corpus, but did, upon praecipe of counsel, issue its writ of error from this Court directed to the circuit court, and at the same time entered its order directing a stay of execution of the sentences of death, until the transcript of the record could be brought here in due course pursuant to the writ of error and the case considered by this Court thereon.

The writ of error was made returnable on October 29, 1933.

On the return day a thirty-days extension of time to complete the record was granted upon request of the counsel of record for the accused. No transcript of the record having been filed here by either [***4] of the plaintiffs in error on the extended return day which was November 28, 1933, the State's Attorney, Hon. Louis F. Maire, who prosecuted the cases in the court below, has caused to be prepared and filed in this Court, duly certified by the Clerk of the Circuit Court, a complete transcript of the record of the convictions complained of, together with the writ of error and notice thereof which was duly recorded and served upon the State's Attorney and Attorney General as required by the statute in criminal cases.

The case is now before us for consideration on the transcript of the record alone, the appeal apparently having [*710] been abandoned by counsel for the plaintiffs in error who has failed to pursue the steps or file the papers required by the rules of this Court to perfect their appeals according to the prescribed practice.

Ordinarily dismissal of the writ of error is the only penalty visited on plaintiffs in error in this Court for failing to comply with the rules prescribed for the orderly presentation of appellate controversies. But in this case the plaintiffs in error stand convicted of murder in the first degree. At the time writ of error was applied for, [***5] death warrants had already been issued for their execution and the penalty of the law was about to be exacted. Consequently, when the writ of error was sought here and ordered to be issued for

the benefit of plaintiffs in error, on praecipe of their counsel, writ of error was issued as process of this Court as a matter of right issuable on demand. In response to that writ of error the complete transcript of the record has been prepared and filed in this Court for our consideration.

In *Owen v. State*, 58 Fla. 84, 50 South. Rep. 639, it was held that *HNI* where a transcript of the record proper in a criminal case has been brought to this Court on writ of error taken by a convicted defendant, and it is made to appear thereby that no bill of exceptions was made up and authenticated in the cause, the Supreme Court may upon motion of the representative of the State (and will as a general rule upon such motion), affirm the judgments appealed from if, upon a careful consideration of the transcript of the record proper brought here in response to the writ of error, no errors appear in the record of the indictment, arraignment, trial, conviction or sentence of the accused.

The Constitution of [***6] the State provides that *HN2* "right and [*711] justice shall be administered without * * * delay." The foregoing practice was approved in the cited case as an appropriate means of effectuating the requirements of the Constitution in the particulars referred to in the quoted constitutional provision. Justice delayed is often justice denied. And much of the criticism against the administration of our criminal laws will be found to be the result of the seemingly unwarranted delay which oftentimes ensues between the time a judgment of conviction for crime is rendered and the sentence of the law is carried out. The appellate courts of the country can perform no greater service than by giving to cases involving convictions for serious felonies such as capital crimes, that prompt consideration and disposition which deals out justice promptly, and puts into effect without undue delay, speedily, the sentences of the law in those cases wherein it is found

that no ground for reversal of the convictions is made to appear.

Acting upon that consideration this Court in the present case has carefully examined the transcript of the record proper in the present cases and has found that three of the [***7] defendants, -- Jack Williamson, Walter Woodard and Charlie Davis, were condemned on their voluntary pleas of guilty interposed in open court to an indictment charging those parties with murder in the first degree. The other defendant, Izell Chambers, was tried by a jury and found guilty of murder in the first degree without recommendation to the mercy of the court. In addition to its formal examination of the record proper, this Court, in view of the fact that plaintiffs in error have been sentenced to death and are not represented here by argument or brief of counsel, has read the stenographer's report of the testimony which has been copied by the Clerk as part of the transcript (although not made nor authenticated as a bill of exceptions). * [**501] [*712] Nothing has been found in the transcript to raise the slightest doubt as to propriety of the convictions and sentences in this case, as to either of the condemned defendants.

[***8] It is therefore considered, ordered and adjudged by this Court that the judgments brought here on writ of error be and the same are hereby affirmed as to each of the plaintiffs in error, Isiah (Izell) Chambers, Jack Williamson, Charlie Davis and Walter Woodward (Woodard).

Affirmed.

WHITFIELD, TERRELL and BUFORD, J. J., concur.

ELLIS, J., concurs in conclusion.

BROWN, J., absent and not participating because of illness.

* The testimony is to the effect that the four convicted defendants plotted the robbery of an aged man, Robert M. Darsey; that Darsey was waylaid in the night-time and beaten to death, robbed and left in the road-way to die; that money was apportioned among some of the defendants; that all were present when the murder and robbery was committed. This testimony was by the defendants themselves, three of whom plead guilty and asked the mercy of the court.