

opening into the rooms by which one may come into or go out from the rooms. You shall permit them to talk with no one except among themselves and permit no one to talk to them or them to talk to anyone -- and I am saying this to both the bailiff and to you gentlemen of the jury, -- you are not to permit them to have any newspapers that have any account of this trial. They may have any magazines or papers except those that have accounts of the trial. If they want to see the local paper you must take that part of the paper out of the paper containing the account of the trial before they are allowed to see it. You must keep the jury together at all times. They must not be separated; there must be no separation or division. If you have any message to send to their families they must send it through you.

I will say this to you gentlemen of the jury at this time in regard to your duties. If you have any message that you wish to send to your family before you retire, at this time, if you will let the court know or let it be known Mr. Helton will take the message to your family. I will say this, you may be held over until tomorrow on this case; I don't know about that. Now, gentlemen, we are going to adjourn for lunch until 2 o'clock. You have heard the instructions given to the bailiff. Part of those were for you. Don't discuss this case with anyone until you have heard all the evidence and the argument of counsel and the charge of the court, not even among yourselves, and don't permit anyone to discuss it in your presence. If anyone asks or attempts to discuss it in your presence or with you, report to the bailiff about it and let that report be made to the court, and if the bailiff fails to attend to that duty, why you report to the court in open court yourself, if anyone attempts to speak

to you. You must be kept together during the entire time of the trial of this case, don't separate on any occasion whatever. If you have anything that you wish done that is possible for you to have done, the bailiff will attend to it for you, if it can be done. You can't transact any business for yourselves during the trial of this case, you can only do that through the bailiff, and the ordering of your food and cigarettes that you may need during the time that you are on the trial of this case. We are going to make it comfortable as we can for you. You will have to have one large room or two or three large rooms together with only one door opening out of these rooms, in which you will stay if you have to stay in all during the night. You will now retire, gentlemen, with your bailiff for your lunch and return to the court room at 2 o'clock. You may lead the way Mr. Bailiff and go right down the stairs.

Thereupon the Jury retired for lunch in charge of their bailiff.

Thereupon at 2 o'clock P.M. the jury was called in and duly polled and seated in the jury box; the defendant was present as well as counsel for the State and defendant in open court, and the following proceedings were had:

R.C.HELTON, having previously been duly sworn, being recalled by the State, testified in the presence of the jury as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Helton, when was the first time that you had a conversation with the defendant, Izell Chambers, with reference to the death of Mr. Robert M. Darcey at Pompano?

A I think it was on a Monday afternoon following the Saturday night of the occurrence.

Q Who was present if you recall at that time besides the defendant and yourself?

A Sheriff Clark and Mr. Williams, Mr. Wright, and I don't know whether it was Mr. Goodrich or Mr. Bob Clark, I think was present, and Mr. Mosely.

Q At that time did you or did anyone in your presence make any promise of any nature in order to induce the defendant Izell Chambers to talk?

A No sir.

Q At that time did you or did anyone in your presence make any threats or use any violence to induce the defendant Izell Chambers to talk?

A No sir.

Q Did he make a statement at that time with reference to the defendant, Mr. Robert M. Dorcey?

A No sir.

Q Were you present on Sunday May 21, 1933, when a statement was made by the defendant, Izell Chambers?

A Yes sir.

Q Who else was present at that time if you remember Mr. Helton?

A I don't know whether I can call them all or not, but there was Mr. Williams, the sheriff, Mr. Marshall, Mr. Goodrich, and there were some of these gentlemen I didn't know, and you --

Q What about the other defendants?

A The other defendants were present, all four of them were there.

Q Where was that statement made?

A On the fourth floor in Mr. Marshall's room.

Q Do you know whether or not the court reporter was present

when that statement was made?

A He was.

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

A No sir.

Q At that time did you or did anyone in your presence use any violence or make any threats or in any manner coerce the defendant Izell Chambers or any of the other defendants to talk?

A No sir.

Q If a statement was made at that time by Izell Chambers or any of the other defendants, was such statement made freely and voluntarily upon their part so far as you know?

A Yes sir.

Q Do you remember about what time of the day it was when you arrived at the court house on that Sunday morning?

A Well I came up Saturday afternoon about dark I would say, sundown, but I left about 2:30 and went back to Pompano and got another negro and then about 4 o'clock I went back again with one of these defendants to show us where the pocket book was -- where the money was -- and I stayed there until around six o'clock I guess, until it got light enough where I could search the room, and came back about 6:30.

Q That was Sunday morning?

A Yes sir.

Q So that you were present with the exception of the times you went back to Pompano practically all night?

A All night, yes sir.

Q Well now during any of that time then from Saturday night that you were present until the time the statement was made

Sunday morning, did you or did anyone during any of that time make any promise to induce the defendants or any of them to talk?

A No sir.

Q During any of that time from Saturday night that you were present until the statement was made Sunday morning did you or did anyone during any of that time threaten the defendants or either of them in order to coerce or force them to talk?

A No sir.

Q Was the statement made at any time during those hours made freely and voluntarily on the part of the defendants or either of them?

A Yes sir.

Q Was that statement taken down in shorthand?

A Yes sir.

Q Would you remember that statement if you heard it again?

A Yes sir.

Q Have you read it since it was taken down?

A No sir, only a part of it.

Q That is all for the present.

MR. GRIFFIS:

No questions.

(Witness excused)

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

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Johnson, do you know the defendant, Izell Chambers, when you see him?

A Yes sir.

Q Did you ever see the defendant, Izell Chambers, with the other three men, Charley Davis, Jack Williamson and Walter Woodard?

A One time.

Q Do you remember what the occasion was that you saw these four men?

A Yes sir.

Q Tell when and where it was?

A It was Sunday morning in the court house.

Q And do you remember who else was present or some of the other men who were present?

A Yes sir.

Q Name some of the other men who were present at that time?

A Well there was Sheriff Clark and Mr. Wright, Mr. Ford, Mr. Goodrich, Mr. Williams --

Q And who questioned the defendants?

A The prosecuting attorney.

Q Me?

A Yes sir.

Q Did anybody take it down in writing?

A Yes sir.

Q Who did that?

A This gentleman right here (referring to J.W.Coleman, the court reporter).

Q During the time that you were there, Mr. Johnson, did you or anyone in your presence make any promise or any inducement to the defendant Izell Chambers or any of the other three

defendants to induce them to make a statement?

A No sir.

Q During the time that you were present did you or did anyone in your presence do any acts of violence or make any threats to coerce the defendant Izell Chambers, or any of the defendants, to make any such statement?

A No sir.

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

A Yes sir.

Q Will you explain as you remember it how the four defendants were arranged when the statement was made by them?

A They were all sitting together.

Q Sitting together?

A Yes sir.

Q Did they have anything?

A They had their sticks that they had on the night of the killing, I guess. Each one of them had their sticks that they had with them.

Q Did they later make a statement with reference to the sticks they had?

A Yes sir.

Q Have you read that statement since that time?

A No sir.

Q Have you had it read to you?

A Not the complete statement, no sir.

Q Would you recognize the complete statement if you did hear it read in your presence?

A Yes sir, I think I would.

(Witness temporarily excused)

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

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Ford, have you ever seen the defendant, Izell Chambers, together with Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q Where and when was it that you first saw them?

A Sunday morning, May 21, right here in the court house.

Q You say in the court house?

A Yes sir.

Q You remember where in the court house?

A Well, I give a statement this morning. I said second floor, but it wasn't right. Going up on the elevator I mistook the floor, -- the jail floor.

Q You remember all four of the defendants being present?

A Yes sir.

Q Remember the names of some of the men that were present?

A Yes sir.

Q Name them?

A Virgil Wright, the sheriff, Dick Goodrich, Mr. Williams, the gentleman there at the end of the table; this man (J.W.Coleman) and yourself (Louis F. Maire).

Q Who asked the questions?

A The State Attorney (Louis F. Maire).

Q While you were there present did you or anyone in your presence make any promises or offer any inducement to the defendant, Izell Chambers, or any of the defendants to induce them to make a statement?



A No sir.

Q During the time you were present did you or anyone in your presence make any threats or use any acts of violence or any coercive measures to induce the defendant Izell Chambers or any of the other defendants to make a statement?

A No sir.

Q Was such statement as was made by them, Izell Chambers and the other defendants, made freely and voluntarily?

A Yes sir.

Q Would you remember the statement that was made if you had it read again in your presence?

A Yes sir.

Q I want to ask about the arrangement of the defendants and whether or not they had anything during the examination?

A Well all four were sitting there side by side in chairs and they had these sticks, -- three clubs and a hammer I call them.

(Witness temporarily excused)

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

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Goodrich, what was your occupation on both the 20th and 21st days of May, 1933?

A Deputy Sheriff.

Q Did you during the night commencing May 20th, 1933, and running into the morning of the 21st day of May 1933 see the defendant, Izell Chambers, at any time?

A Yes sir.

Q Did you at any time during that night also see Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q Where did you first see them?

A First saw them that early morning in the jail quarters.

Q Do you remember about what time of the morning that was?

A Around about two o'clock.

Q Two o'clock in the morning?

A Yes.

Q Who was present at that time?

A The Sheriff and Mr. J.T. Williams and Mr. Melton and Mr. McNeil, Mr. Marshall, I think was about all.

Q Did you hear any statement made during that night by Izell Chambers?

A Yes sir.

Q In the presence of these other men?

A Yes sir.

Q Where was that statement made?

A Made in the jailer's quarters.

Q At that time the statement was not taken down?

A No sir.

Q At that time did you or anyone in your presence make any promise or offer any inducement in order to prevail upon the defendant, Izell Chambers, or any of the defendants to talk?

A No sir.

Q Were any of the other defendants present at that time?

A Yes sir.

Q Who, all of them?

A You are speaking of the early part of the evening?

Q Yes. The early part.

A The earliest part, at one time if I remember correctly there was not any but him.

Q Did you at that time or anyone in your presence use any threats or acts of violence or coercive measures to induce the defendant, Izell Chambers to make a statement?

A No sir.

Q Did he make a statement at that time?

A Yes sir.

Q Such statement as was made at that time, was it made freely and voluntarily on the part of the defendant, Izell Chambers?

A Yes sir.

Q What statement did he make at that time?

A Well he made the statement that he wanted to tell the truth about the whole thing.

Q Did he tell what happened at Pompano on the night of the 13th of May, 1933?

A At that time I left and went to Pompano.

Q Now were you back in the early part of Sunday morning when a statement was made up in the jailer's quarters?

A Yes sir.

Q Were any of the other defendants present at that time?

A Yes sir.

Q How many of them?

A Four.

Q And were any other people present at that time?

A Yes sir, the same crowd with one or two more.

Q Will you name the ones that you can remember at this time who were present?

A The sheriff, Mr. Williams, McNeil, Mr. Marshall, Mr. Ford, Mr. Johnson, the prosecuting attorney.

Q At that time did you or did anyone in your presence make any promises or concessions of any nature in order to induce the defendant, Izell Chambers, or any of the defendants, to make a statement?

A No.

Q At that time did you or anyone in your presence use any threats or any acts of violence or any coercive measures of any nature in order to induce the defendant Izell Chambers or any of the other defendants to talk?

A No sir.

Q Were statements made by this defendant and the other defendants at that time?

A Yes sir.

Q Were such statements as were made made freely and voluntarily on the part of Izell Chambers and the other defendants?

A Yes sir.

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

A Yes sir.

Q Do you know who took them?

A Yes sir.

Q Who?

A Mr. Coleman.

Q Would you remember if you heard the statements read whether or not it was a true and correct statement?

A Yes sir.

(Witness temporarily excused)

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

DIRECT EXAMINATION

BY MR. MAIRE:

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

A Sheriff of Broward County.

Q During the night of May 20th and 21st did you at any time see Izell Chambers, Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q Who was present when you first talked with this defendant, Izell Chambers?

A Why Mr. Williams, A.D. Marshall and Mr. McNeil, Clyde Helton --

Q Did he ever make a statement with reference to the death of Mr. Robert M. Darcey of Pompano on May 13th, 1933?

A Yes sir.

Q When did he first make a statement with reference to that?

A Along about the middle of the night sometime he began to talk about it, along the middle of the night he began to tell us along until about daylight.

Q Who was present when you first began to talk with this defendant, Izell Chambers, the early part of the night?

A Mr. Williams, McNeil, Clyde Helton, Mr. Marshall and myself.

Q Is it true that a statement was made the following Sunday morning?

A Yes sir.

Q Who was present at that time?

Page 47

"The only thing  
we told him  
was the best  
thing he could  
do was to tell  
the truth"

Shiriff Clark

A Why Mr. Marshall, Mr. Williams, McNeil, Clyde Helton, Mr. Coleman, myself, Mr. Ford, and Mr. Johnson, and Mr. Goodrich.

Q Now, Mr. Clark, when was this defendant, Izell Chambers, brought to the Broward County jail in Ft. Lauderdale, if you remember?

A It was on Sunday night.

Q Sunday night after Mr. Darcey was struck?

A Yes sir.

Q From the time he was brought to the jail was he ever questioned when you were not present?

A No sir.

Q From the Sunday night that he was brought to the jail until this statement was taken in writing, how long a period of time was that?

A Sunday night until Sunday morning would be a little over a week, about a week and twelve hours, because we brought him here Sunday night and he made the statement Sunday morning.

Q During that whole week were you present every time he was questioned?

A Yes sir, because I made it my business to be there.

Q During that whole week, at any time during that week, when you were present and statements were made, did you or anybody in your presence make any promises or offer any inducements to induce him to talk?

A The only thing we told him was the best thing he could do was to tell the truth.

Q During that time did Jack Williamson, Charley Davis, and Walter Woodard ever make a statement in the presence of Izell Chambers?

A Yes sir.

Q Did you or anyone in your presence ever tell anyone of the three defendants or make any promises to them to induce them to talk?

A No sir.

Q During that whole week did you or anyone in your presence threaten any of these defendants in any way or use any physical violence or any coercive measures in any way to induce them to make statements?

A No sir.

Q Such statements as they made during that whole week, how were they questioned and statements elicited?

A By questioning and cross questioning them, catching them in a lie now and then and straightening them out.

Q Were such statements as were made made freely and voluntarily on the part of the defendants?

A Yes sir.

Q On the morning of the 21st day of May, 1933 was the statement that was made at that time taken in writing?

A Yes sir.

Q Have you seen the statement since that time?

A I haven't seen the statement.

Q I mean before this time, did you see it yesterday?

A No sir.

Q Have you read it since that time?

A No sir.

Q Would you be able to identify as to whether or not it is a true statement upon hearing it read?

A Yes sir.



Q All right, then, for the present that is all.

(Witness temporarily excused)

A.D.MARSHALL, having previously been duly sworn, being recalled on behalf of the State testified in the presence of the jury as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Marshall, what official position, if any, did you hold in Broward County from the 13th day of May up until and including the 21st day of May, 1933?

A Deputy sheriff and warden of Broward County Jail.

Q Do you know the defendant, Izell Chambers, when you see him?

A Yes sir.

Q And Charley Davis and Jack Williamson and Walter Woodard?

A Yes sir.

Q Do you know when these defendants or any of them were brought to the Broward County Jail and placed in your custody?

A Yes sir.

Q When?

A Some of them were brought on Sunday morning; others on Sunday night, and on Monday morning.

Q Do you know what Sunday and what Monday that was with reference to the date when Mr. Robert M. Darcey is alleged to have been killed?

A Sunday morning following the night he was hit and Sunday night, the night of his death.

Q Was Izell Chambers questioned any after he was brought to the Broward County jail with reference to the killing of Robert M. Darcey?

---

A Yes sir.

Q Were Charley Davis and Jack Williamson and Walter Woodard questioned any in the presence of Izell Chambers?

A Yes sir.

Q From the time they were brought to the Broward County jail, were they ever questioned when you were not present?

A No sir.

Q Were you present on Sunday May 21st, 1933 when a statement was made by the defendants?

A Yes sir.

Q Were you present the night before?

A Yes sir.

Q Who else was present the early part of the night, the night of the 20th of May, 1933?

A The sheriff and Mr. Williams and Mr. Helton and myself.

Q Who was present Sunday morning when the statement was made?

A The same, including myself and Mr. Coleman and two other men, I can't call their names, but they came in about that time.

Q Have you been here during this trial?

A Yes.

Q Was it the two gentlemen who have already testified?

A Yes.

Q At any time that the defendants were questioned in your presence Mr. Marshall, did you or anyone in your presence ever make any promise or offer any inducement of any kind to get them to talk?

A No sir.

Q At any time in your presence, did you or anyone in your presence, make any threats or use any violence or any coercive measures to induce them to make a statement?