

# EXHIBIT 1

REPORT MIAMI, FLORIDA

FILE NO. 44-156

FLORIDA	DATE WHEN MADE 7-2-49	PERIOD FOR WHICH MADE 5029 TO 31-49	REPORT MADE BY JOHN L. QUINLEY
ST. YATES, ET AL; THOMAS, ET AL - VICTIMS		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE.	

[REDACTED], alleged rape victim, examined by Dr. GEOFFREY BINNEVELD, M.D., Holland Hospital, Leesburg, Florida, sometime during morning 7-26-49. Dr. BINNEVELD states his examination disclosed that female organs of Mrs. [REDACTED] were red and irritated, however he failed to detect presence of spermatozoa. He advised further that "If I were asked if the woman was raped, I would have to answer 'I don't know'". He denied having made statement to anyone to the effect Mrs. [REDACTED] had not been raped. USA, Tampa, ordered all investigation discontinued in harmony with Departmental instructions to him, until receipt of further instructions.

- C -

Bureau letter to Miami dated 8-26-49.  
 Teletype Miami to Bureau dated 8-31-49.  
 Teletypes Miami to Mobile and New York dated 8-31-49.

AT ORLANDO AND LEESEBURG, FLORIDA.

The following investigation was conducted by Special Agent JAMES L. BOWER, Jr.;

A review of old copies of the Orlando "SEVENTEEN" and

SPECIAL AGENT IN CHARGE <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES 44-2727-31 RECORDED - 10	
DATE OF THIS REPORT 1949	FEDERAL BUREAU OF INVESTIGATION 3 SEP 9 1949 <i>[Signature]</i>	

the Orlando "STAR" reflected that [REDACTED] had been examined after alleged rape of her, by Doctor GEOFFREY BINNEVELD of Leesburg, Florida, this Doctor having also testified for a Lake County Grand Jury in connection with the alleged rape.

Inquiry at Leesburg, Florida reflected that BINNEVELD and a Doctor HOLLAND operate the Holland Hospital, which in reality is a clinic and private hospital, not a municipal or public organization. BINNEVELD is a native of Leesburg and received his training at the University of Virginia. He is highly regarded, although a very young doctor.

This information concerning Doctor BINNEVELD was developed through discreet inquiry of Corporal T. D. FLOW, Florida Highway Patrolman, Leesburg.

GEOFFREY BINNEVELD, M.D., Holland Hospital, Main Street, Leesburg, Florida, was interviewed by Agent ROYER and furnished the following information:

He was called upon to examine the victim in the absence of Doctor HOLLAND, who is regarded as the "senior" doctor in the hospital. He made a "Report of Accident" form, which he exhibited to the writer. This report reflects under "Statements of Patient" that [REDACTED] claimed to have been attacked by four negroes between 2:30 and 3:00 A.M. on July 16, 1949, BINNEVELD could not remember the exact time of his examination, but is sure that it was on the morning of July 16, 1949, and it was noted that the "Report of Accident" bears that date and is signed by him.

The report states that as a result of the examination, BINNEVELD found the following physical irregularities:

- "(1) Scratches both knees, palm of right hand; soles of feet irritated
- "(2) Labia Majora and minora very red and irritated
- "(3) Vagina red and irritated - several small mucosal lacerations about posterior fornix
- "(4) Emotional shock"

A vaginal smear was taken, and it was found that no spermatozoa were present in the vaginal smear, but that several gonococci were present. BINNEVELD stated that the victim had no other physical irregularities, and that she was in good health at the time of his examination.

negroes in Tavares, Florida. In addition to the above, he advised the Sheriff that "there were no other gross signs of trauma, breaks in the skin, or other signs of violence." "Finding - Traumatic vaginitis".

He also made the following statement to the writer "If I were asked if the woman was raped, I would have to answer 'I don't know'".

He does not believe that [REDACTED] has been examined by any other Doctor since he began treating her, which was on July 16, 1949. He has consulted no one concerning the case except a former instructor of his at the University of Virginia, a Doctor DUDLEY SMITH, whom he wrote concerning future treatment. SMITH agreed with him that continued prophylaxis is necessary to prevent any possible venereal infection. He used penicillin, aureomycin, and other drugs in treating her since the alleged rape, and will continue to do so "to give the patient the benefit of the doubt".

He has not examined the three subjects on trial for venereal diseases, and has no idea whether they are infected or not, but feels that there is a good chance that they are, since VD is so prevalent among the colored people he treats.

BIRNEVELD has never made the statement that [REDACTED] was not raped, and has no idea who could have done so, since as far as he knows, he is the only doctor who has examined her.

Dr. BIRNEVELD allowed Agent to examine his records which are reported above and said that they would always be open for inspection by this Bureau at any time. He was requested to furnish his knowledge of this case in the form of a signed statement but the doctor respectfully declined stating that unless written permission was secured from Mrs. [REDACTED] to give a signed statement he did not feel that he could because of the confidential Doctor-Patient relationship.

AT MIAMI, FLORIDA.

Special Agent in Charge C. P. CARSON on August 31, 1949 in a telephonic conference with Mr. HERBERT S. PHILLIPS, United States Attorney at Tampa, was instructed by Mr. PHILLIPS that he did not desire any further investigation in this matter pending the outcome of the state trial presently under way at Tavares, Florida, which was the state case charging the victims in this investigation with rape. Mr. PHILLIPS told CARSON that his authority for ordering a discontinuance of investigation in this matter was in harmony with Departmental instructions received from the Department. Mr. CARSON informed Mr. PHILLIPS therefore, that his instructions were applied with and that no further investigation would be conducted.

44-156 - Miami

In this matter until receipt of subsequent instructions from him.

CLOSED.



# EXHIBIT 2

*NOT mine*

As Governor of the Sovereign State of Florida, I am accountable to the people of the State of Florida for any official action which I take. The following message is addressed to all of the people of the State: Certain partisan politicians or political figures have challenged my action, when as Governor of this State, commuted the sentence of Walter Irvin from death in the electric chair to life imprisonment. I wish to state that as my action in that case was not political it should not now be made the subject of a political campaign. I have never treated the Irvin case as a political matter and I do not intend to do so now. However, honest and sincere persons in the State have come to me and have asked me to re-state at this time the reasons for my action in the Irvin case. In response to these requests and to advise the citizens of Florida concerning my action, I wish to make the following statement

• Let me say that I was not misled in my action by any communist or fellow-traveler or by any association for the advancement of any racial group. As a matter of fact, I may say the pressure from these groups generally tends to confuse any matter in which they interfere. They do not help the man involved and they only complicate the administration of justice. I consider it needless to say that I am a bitter foe of all communists or persons of that persuasion. Not one of these persons influenced me in my decision.

The laws of the State of Florida provide that Almighty God gave man the gift of life, and charges each one of us with the duty of preserving life, and ~~made~~ <sup>it</sup> a matter of conscience with each one of us to do all within our power to obey the direct mandate from God. So sacred is this duty, so widely do the people of Florida

recognize our moral obligation in this respect that they have provided that the State may not take life except under very limited circumstances. Even this extreme penalty has been surrounded by many safeguards which we have provided through the entire legal process.

We have rules regulating the <sup>Investigation</sup> information of crime, the arrest and ~~interrogation of prisoners~~ <sup>giving of prisoners</sup> sentences, we provide for an open trial before a jury, we request that twelve jurors arrive at the same verdict of guilty, we provide for the Supreme Court to review the record for possible errors in the law.

In capital cases, before a man's life may be taken, so seriously do we the people of Florida consider this matter, we have added one safeguard. We have required that the Governor and his Cabinet review not only the law but all the facts in the case including how it was prosecuted and defended, how it was tried. If on all the case, the Governor and his Cabinet are satisfied that ~~the case~~ <sup>the man</sup> has had the full benefits of the law, its full protection, and if the Governor in his conscience before God is satisfied, then and only then should he sign the death warrant.

A general outline of the facts in the Irvin case are as follows: The victim, whose name need not be mentioned, was coming home from a dance with her husband. They stopped to turn around and go back the way they had come. In turning around their car stalled. The battery of their <sup>C</sup>car was weak and when they tried to start the motor it wouldn't work. While so disabled they sat in the car until another car came along, which stopped a short way up the road, turned and came back, stopping with its headlights

about even with the headlights of the victim's car. A colored man got out and asked if the victim and her husband needed help - they said yes and three more colored men got out of their car and went behind the victim's car and started to push it. They did this for a short distance and then stopped. The husband then got out and went around back and a fight started. The husband got hold of a good sized stick and defended himself - getting in several good licks, but eventually he was knocked out. He was robbed of his wallet and \$20.00. They took the victim, robbed her of her ring, compact and perfume and then after driving her to another place all four men raped her.

The victim was then released and went to a nearby store where she had known the owners. She did not arouse them immediately, but waited until their normal rising time, between 6 and 7 in the morning. She asked the man to take her down the road to find her husband. The man testified that she did not tell him of the rape at that time. She testified that she did. They went looking and found the husband with some peace officers who were out looking for her. Later that day the husband was out with officers scouting, when they saw a car which he believed was the car used by his assailants.

Following this the officers arrested two of the defendants in the case, Walter Irvin, Samuel Shepherd. Charles Greenlee had been arrested previously. The fourth man, Ernest Thomas was killed by gunfire while being arrested.

One trial was held and the three defendants were convicted. Greenlee was given life imprisonment because he was only 16 at the time of the offense. He did not appeal. Shepherd and Irvin's conviction was reversed and a new trial ordered. They were brought back from Raiford Prison to Lake County by an officer who traveled alone with them, although they were handcuffed together. This officer states that these men attacked him and tried to escape. The officer killed Shepherd and wounded Irvin, leaving him for dead. Later another official arrived on the scene, found Irvin living and had him removed to a hospital.

While Irvin was in his extreme condition, he was told by the States Attorney that death was near and that he should tell the truth. He said that he was not the man who raped the woman. He also told the Governor's agent that neither he nor Shepherd had been trying to escape when they were shot.

On the second trial Irvin was thus deprived of two witnesses for his side who might have helped him. Thomas and Shepherd had been killed.

The evidence presented against Irvin was not the quality of evidence which in my opinion went the last mile in proving the State's case and which I think necessary in a capital case. I will give you some facts.

1. Both the victim and her husband testified that the four assailants pushed the stalled car. Push your hand against a car and see your fingerprints on it. Why didn't the law enforcement officers take these prints and make the necessary comparisons? This would have been strong evidence - to convict if the men were the assailants and to free the man if they were not her assailants.

2. The victim testified that after the rape the assailants changed the plates on their car. There was no evidence at the trial to show if the plates on Irvin's car had been changed.

3. The doctor who examined the victim on the morning of the rape was available and should have been called as a witness for the prosecution. Such corroboration is standard in this type of case. Failure of the State to produce the doctor was very questionable procedure and left many issues unanswered.

4. There were numerous footprints at the scene of the abduction, where the men were pushing the stalled car, and at the scene of the rape, where the men got in and out of their car. No casts were made of any of these prints until many hours after the officers had been at the scene. The shoes Irvin was wearing when arrested did not match the prints. Another pair of shoes was obtained in his home and brought out to the area. Only one cast was made of one footprint and this was made by an officer who admitted that he had no training in this difficult work. An independent expert was produced by the defense at the trial who testified that the cast introduced by the state was made from the impression of an

empty shoe. Casts of all footprints should have been made immediately on finding the prints, and preserved for evidence, and comparison with the shoes of the other defendants.

5. Certain stains appeared on Irvin's trousers. These were exhibited to the jury months after the event and the jury was permitted to infer that they were guilty stains. The F.B.I. crime laboratory was and is available to law enforcement officers, without cost to determine the exact nature of such stains. The trousers were not referred to the F.B.I. for such testing, as should have been done if proper police procedure were followed, and the jury should have had such a laboratory report. The state's failure to do this raises an inference that it was afraid of the results of such a test.

6. The victim and her husband were robbed of a wallet, a ring, a compact, some perfume and some money. The state failed to show if these articles were found in the possession of any of the defendants, and allows an inference that they were not so found.

7. The victim testified that the car in which she was raped had a metal bar on the floor of the rear section. It was not shown if there were such a bar in Irvin's car.

8. The victim's husband testified that he fought off the assailants with a stick and had got in quite a "few licks" on the defendants. It was not shown if the defendants were marked when arrested.

9. The opportunity to recognize the assailants was limited. The victim's husband admitted consuming a quantity of liquor, during the course of the evening. The only light he had to view one

defendant's face was by his own weak headlights - too weak to start the car - the faces of the other assailants remained in the dark. When he first saw Greenlee he said "that's not one of them". Later on, he identified Greenlee.

10. Greenlee was 16 years old. He had just left home near Gainesville, to get work, the day before and he claims to have slept in a shed that night in Groveland. Thomas had come with him and gone off alone drinking. No one ever connected Greenlee with Irvin or Shepherd or saw them together before the crime. Greenlee was all alone when he was arrested near this shed, for vagrancy at 3:15 A.M. No signs of an assault were visible on him. This arrest took place about nineteen miles from the scene of the rape and very close in time to the offense.

11. The law enforcement officers stated that the prisoners had confessed, and these alleged confessions were given wide publicity prior to the trial. The defense was prepared to show that these alleged confessions were beaten out of the prisoner and would also exhibit the marks of the beatings. Needless to say - the state did not attempt to introduce these alleged confessions.

1.2. Greenlee's case was different. Law enforcement officials have a recording of a statement allegedly made by Greenlee, who in turn says that he made a statement at the point of a pistol.

In view of the above circumstances it was my opinion that the state had failed in its duty to present the strongest and fullest case against the defendant Irvin. The state left too many loose ends, too many questions are unanswered; The conduct of some law enforcement officers was in the most favorable aspects, amateur

an unenlightened. The trial judge sat in both cases and refused to disqualify himself for the second trial; also he had made many errors prejudice to the defense ~~trial~~ during the defense trial. Further, in his charge to the jury he should have told them that where the state fails to produce evidence which it had in its possession the jury could infer that the state did not produce the evidence because it would be prejudicial to the state's case such an elementary basic rule of Florida law was overlooked.

In all respects my conscience told me that this was a bad case, badly handled, badly tried and now on this bad performer I was asked to take a man's life. My conscience would not let me do this. Accordingly, with others, I voted to commute the Irvin sentence to life imprisonment.

*Ch 2  
char  
jiv*

# EXHIBIT 3

Florida Senate - 2017

CS for SCR 920

By the Committee on Rules; and Senators Farmer, Torres, Bracy,  
and Perry

595-03757-17

2017920c1

1 Senate Concurrent Resolution

2 A concurrent resolution acknowledging the grave  
3 injustices perpetrated against Charles Greenlee,  
4 Walter Irvin, Samuel Shepherd, and Ernest Thomas, who  
5 came to be known as "the Groveland Four"; offering a  
6 formal and heartfelt apology to these victims of  
7 racial hatred and to their families; and urging the  
8 Governor and Cabinet to perform an expedited clemency  
9 review of the cases of Charles Greenlee, Walter Irvin,  
10 Samuel Shephard, and Ernest Thomas, including granting  
11 full pardons.

12  
13 WHEREAS, on July 16, 1949, a 17-year-old white woman and  
14 her estranged husband reported to police that she had been  
15 abducted at approximately 2:30 a.m., driven approximately 25  
16 minutes to a dead-end road, and raped by four black men after  
17 the car in which she and her estranged husband were riding broke  
18 down on a rural road outside Groveland in Lake County, and

19 WHEREAS, Charles Greenlee, Walter Irvin, and Samuel  
20 Shepherd were charged with rape, while Ernest Thomas was  
21 presumed guilty of the crime, and

22 WHEREAS, Charles Greenlee, who was 16 years old in July  
23 1949, was being detained 20 miles away by two retail store night  
24 watchmen at approximately the same time at which the alleged  
25 attack occurred, and

26 WHEREAS, the estranged husband stated on two separate  
27 occasions that Charles Greenlee was not one of the young men  
28 present when his car broke down on July 16, 1949, and

29 WHEREAS, Charles Greenlee denied that he and Ernest Thomas

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2017920c1

30 ever met Samuel Shephard, Walter Irvin, the alleged victim, or  
31 her estranged husband, and

32 WHEREAS, Walter Irvin and Samuel Shepherd, both World War  
33 II veterans, acknowledged that they had stopped by the broken-  
34 down vehicle to see if they could assist the couple, but denied  
35 any involvement in the alleged rape, and

36 WHEREAS, after their arrest that evening, Charles Greenlee,  
37 Walter Irvin, and Samuel Shepherd were severely beaten in the  
38 basement of the county jail; Charles Greenlee and Samuel  
39 Shepherd were coerced into confessing to the crime; and Walter  
40 Irvin steadfastly maintained his innocence despite repeated  
41 beatings, and

42 WHEREAS, Ernest Thomas, understanding the racial realities  
43 of the time and the danger he was in, escaped Lake County before  
44 law enforcement could locate him, and

45 WHEREAS, after being hunted for more than 30 hours through  
46 at least 25 miles of swampland in Madison County by an armed,  
47 deputized posse of approximately 1,000 men with bloodhounds,  
48 Ernest Thomas was killed in a hail of gunfire as he slept beside  
49 a tree before he could answer questions or declare his  
50 innocence, and

51 WHEREAS, the three surviving men, Charles Greenlee, Walter  
52 Irvin, and Samuel Shepherd, were tried and convicted in the  
53 case, with Charles Greenlee sentenced to life imprisonment due  
54 to his young age and Walter Irvin and Samuel Shepherd sentenced  
55 to death, and

56 WHEREAS, the judge who presided at the men's trial denied  
57 the men's attorneys access to an exculpatory medical report of  
58 the alleged rape victim and barred testimony regarding the three

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59 men being repeatedly and brutally beaten by law enforcement  
60 officers, and

61 WHEREAS, Thurgood Marshall, then-Executive Director of the  
62 NAACP Legal Defense and Educational Fund, appealed the  
63 convictions of Walter Irvin and Samuel Shepherd to the United  
64 States Supreme Court, which unanimously overturned the judgments  
65 on April 9, 1951, and ordered a retrial, and

66 WHEREAS, 7 months later, on November 6, 1951, as Walter  
67 Irvin and Samuel Shepherd were being transported from Florida  
68 State Prison in Raiford to Tavares Road Prison for a pretrial  
69 hearing, Lake County Sheriff Willis McCall shot both men on a  
70 dirt road leading into Umatilla, claiming the handcuffed men  
71 were trying to escape, and

72 WHEREAS, Samuel Shepherd died at the scene as a result of  
73 his wounds, immeasurably compounding the suffering of his  
74 hardworking, close-knit family whose home had been burned to the  
75 ground by a mob in the days immediately following reports of the  
76 alleged rape, and

77 WHEREAS, during an interview with an investigator sent by  
78 then-Governor Fuller Warren, Walter Irvin stated that, after he  
79 had been shot twice by Sheriff McCall, Deputy Sheriff James L.  
80 Yates shot him through the neck as he lay on the ground  
81 handcuffed to the deceased Samuel Shephard, and

82 WHEREAS, the Federal Bureau of Investigation discovered a  
83 .38-caliber bullet directly beneath a blood spot marking where  
84 Walter Irvin lay, providing forensic corroboration of Walter  
85 Irvin's statement that he was shot while lying on the ground,  
86 and

87 WHEREAS, Walter Irvin, who pretended to be dead, survived

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88 despite a delay in treatment caused by the hospital's refusal to  
89 transport him in an ambulance due to his race, and

90 WHEREAS, Walter Irvin was retried and convicted a second  
91 time for the alleged rape and was sentenced to death, despite  
92 the fact that a former Federal Bureau of Investigation  
93 criminologist stated that he believed forensic evidence had been  
94 manufactured by law enforcement, and

95 WHEREAS, Walter Irvin's sentence was commuted to life in  
96 prison in 1955 by then-Governor LeRoy Collins after the  
97 prosecuting attorney, who twice convicted Walter Irvin, stated  
98 in a letter that not only was a life sentence more appropriate,  
99 but that Walter Irvin maintained his innocence even after being  
100 shot when he believed himself to be dying, and

101 WHEREAS, Walter Irvin was found dead in his car while  
102 visiting Lake County for a funeral in 1969, 1 year after being  
103 paroled by then-Governor Claude R. Kirk, Jr., and

104 WHEREAS, Charles Greenlee, who was paroled in 1960 at the  
105 age of 27, died in April 2012 at the age of 78, and

106 WHEREAS, the people of this state recognize that no action  
107 on the part of the Legislature can make right the egregious  
108 wrongs perpetrated against Charles Greenlee, Walter Irvin,  
109 Samuel Shepherd, and Ernest Thomas and their families by the  
110 criminal justice system, law enforcement agencies, and  
111 individuals whose actions were fueled by racial hatred, and

112 WHEREAS, the families of Charles Greenlee, Walter Irvin,  
113 Samuel Shepherd, and Ernest Thomas have demanded that steps be  
114 taken to clear the men's names, NOW, THEREFORE,

115

116 Be It Resolved by the Senate of the State of Florida, the House

595-03757-17

2017920c1

117 of Representatives Concurring:

118

119 That we hereby acknowledge that Charles Greenlee, Walter  
120 Irvin, Samuel Shepherd, and Ernest Thomas, who came to be known  
121 as "the Groveland Four," were the victims of gross injustices  
122 and that their abhorrent treatment by the criminal justice  
123 system is a shameful chapter in this state's history.

124 BE IT FURTHER RESOLVED that we hereby extend a heartfelt  
125 apology to the families of Charles Greenlee, Walter Irvin,  
126 Samuel Shepherd, and Ernest Thomas for the enduring sorrow  
127 caused by the criminal justice system's failure to protect their  
128 basic constitutional rights.

129 BE IT FURTHER RESOLVED that the Legislature urges the  
130 Governor and Cabinet to expedite review of the cases of Charles  
131 Greenlee, Walter Irvin, Samuel Shephard, and Ernest Thomas as  
132 part of the Governor's and Cabinet's constitutional authority to  
133 grant clemency, including granting full pardons.

134 BE IT FURTHER RESOLVED that a copy of this resolution be  
135 provided to the Governor, the Attorney General, the Chief  
136 Financial Officer, the Commissioner of Agriculture, and the  
137 families of the Groveland Four as a tangible token of the  
138 sentiments expressed herein.

# EXHIBIT 4

**From:** Broward Hunter <[browh33@gmail.com](mailto:browh33@gmail.com)>  
**Subject:** J. W. Hunter and the 1949 "rape" case  
**Date:** January 13, 2019 at 3:41:11 PM EST  
**To:** [gilbertking@mac.com](mailto:gilbertking@mac.com)

Dear Sir,

My name is Walton Broward Hunter, Jr. J. W. Hunter was my Grandfather. I recently read your books about Willis McCall. I want to thank you more than I can say for trying to let people know about this monster. The friend in Tavares that brought your books to my attention noted that you apparently didn't talk to anybody that that knew my grandfather very well and said that was such a shame because there was so much more to the story. I saw that when I read he ate cornbread with milk and that he was friends with McCall until the "rape" case. Nether is true. He always had buttermilk with his cornbread and he and Willis were mortal enemies by then. You of all people should know what kind of mask he had to wear to be elected State's Attorney at that time. Other kids grew up hearing horror stories about the bugger-man; I grew up hearing about Willis McCall.

I saw Saturday that "After a dramatic, hourlong meeting, Florida Governor Ron DeSantis and the cabinet granted posthumous pardons to four young black men who were tortured, murdered or wrongly imprisoned for the rape of a white woman in 1949. " They all knew very well that there was no rape. My family and those closely involved including the Governor's office had known since 1953 that there was no rape. Grand dad and the judge knew it at the time of the second trial.

If you are interested and will send me your hard mail address, I will write you a letter and try to tell you what I know about this situation.

Thank you,

Broward Hunter  
[browh33@gmail.com](mailto:browh33@gmail.com)  
PO Box  
357178

Gainesville, FL 32635

# EXHIBIT 5

1

1 (INTERVIEW OF BROWARD HUNTER, #EI-73-8662, 08/30/21)

2

3 (The following may contain unintelligible or misunderstood  
4 words due to the recording quality. The parties continually  
5 talked over each other drowning out many words, and voices  
6 were very garbled in places.)

7

8 KR = INSPECTOR KEITH RIDDICK

9 WG = STATE ATTORNEY WILLIAM GLADSON

10 BH = BROWARD HUNTER

11

12 KR: All right. Today's date is August the 30<sup>th</sup>, 2021.  
13 It's approximately 1:11 p.m. I am Inspector Keith  
14 Riddick of the Officer of Executive Investigations.  
15 Also present at this time is Mr. William Gladson,  
16 honorable state attorney for the 5<sup>th</sup> Judicial  
17 Circuit. Location of this interview is Gainesville,  
18 Florida. We will be questioning Mr. Broward Hunter  
19 as a witness in an official FDLE investigation, case  
20 number EI-73-8662. I am the inspector in charge of  
21 this investigation.

22

23 Prior to beginning this interview, you should be  
24 aware of the following. This interview is being  
25 recorded. As a sworn law enforcement officer, I am  
26 empowered to administer oaths and take statements.  
27 In a moment, I will be taking a sworn statement from  
28 you. You will be under oath, and if you knowingly  
29 provide false statement, you can be criminally  
30 charged with perjury. Do you understand each -- each  
31 of these items I've just informed you of?

32

33 BH: Yes.

34

35 KR: All right. Please raise your right hand. Let the  
36 record reflect Mr. Hunter has raised his right hand.  
37 Do you solemnly swear or affirm that the information  
38 you're about to give today is the truth, the whole  
39 truth, and nothing but the truth, so help you God?

40

41 BH: I do.

42

43 KR: Thank you, sir. Please state your full name and the  
44 last four digits of your Social Security number for  
45 the record.

46

47 BH: Walton Broward Hunter Jr., uh, 1000.

48

49 KR: All right. Uh, are you currently employed, sir?

50

1 BH: No, I'm retired.  
2  
3 KR: All right, sir. Uh, Mr. Gladson?  
4  
5 WG: Um, all right. I was take -- taking a look at the  
6 letter you provided me. So -- so the record's clear,  
7 you just provided me with a two-page document you  
8 printed out from your computer which -- if -- if --  
9 correct me if I'm wrong -- you said was something  
10 that you had started working on that you were gonna  
11 sent to the author, Gilbert King --  
12  
13 BH: Yes.  
14  
15 WG: -- but then got a bunch of things happen, and life  
16 kinda got in the way, and, uh, you hadn't worked on  
17 it for a little while, but this is what you just  
18 provided me?  
19  
20 BH: That's correct. That's, uh --  
21  
22 WG: Okay.  
23  
24 BH: -- like, the first half of the letter.  
25  
26 WG: All right. Perfect. Um, so, here's what I want to  
27 do. I've got some documents on my computer that I'm  
28 probably gonna show you. But before we do that,  
29 let's just cover some preliminary matters. Um, I'm  
30 here because I spoke to, uh, Gilbert King, and he  
31 told me over the phone about a week or two ago that  
32 you had emailed him after he wrote his book that you  
33 had some information you wanted to share with him  
34 that involved your grandfather, who was the state  
35 attorney in 1949 in the 5<sup>th</sup> Circuit.  
36  
37 BH: That's correct.  
38  
39 WG: Okay. So, what did you relay to him in that email?  
40  
41 BH: That was, uh, five years ago.  
42  
43 WG: Okay.  
44  
45 BH: I am not sure what I relayed. I know that since it  
46 was an email, I didn't say anything sensitive.  
47  
48 WG: Okay.  
49  
50 BH: Which is what I'm going to tell you.

1  
2 WG: Got it. Well, I've got the email here, but I -- I'll  
3 just summarize it for a moment. And, um -- but  
4 essentially, you said that you had some information  
5 that you believed, um, showed that your -- your  
6 grandfather and the judge in the case --  
7  
8 BH: Both.  
9  
10 WG: -- both, at the time of the second trial, knew that,  
11 um, these four men had not committed this rape. Is  
12 that a good summary of what you --  
13  
14 BH: Yes, approximately.  
15  
16 WG: Okay.  
17  
18 BH: My grandfather was certainly convinced totally.  
19  
20 WG: Okay.  
21  
22 BH: Whether Judge Futch was convinced, I don't know.  
23  
24 WG: Okay.  
25  
26 BH: But I know that my grandfather did share the  
27 information he had with Judge Futch, and he --  
28 besides, I suppose he talked to him. Now, I don't  
29 know how much they talked at the courthouse 'cause  
30 Willis was really a dirty bugger, and he could've  
31 had Judge Futch's chambers bugged for all I know or  
32 for all he knew.  
33  
34 WG: Okay.  
35  
36 BH: So --  
37  
38 KR: And when you say Willis, you're talking about Willis  
39 --  
40  
41 BH: Willis McCall.  
42  
43 KR: -- McCall, the sheriff at the time --  
44  
45 BH: Which, uh --  
46  
47 KR: -- of Lake County.  
48  
49 BH: -- people have said, oh, my grandfather was a buddy,  
50 which was absolutely not the case.

1  
2 WG: Okay.  
3  
4 BH: They had become non-buddies I guess -- originally,  
5 according to my father, over, uh -- it was a  
6 transient labor camp or something. It was for, uh,  
7 mainly offshore labor they call them, uh, that was  
8 the grove workers, and there was a -- a camp with a  
9 company store and all that sort of stuff, and Willis  
10 sort of kept them in there as prisoners. And that  
11 did not set well particularly with my father who was  
12 vocal about it, uh, or Willis, and this was early --  
13 oh, this was about '47 or something like that. It --  
14 but of course, he -- '48 was an election year. Oh,  
15 my good buddy Willis McCall, you know, is what he --  
16 he kept -- he'd -- you had to do that as a -- uh, I  
17 don't know if y'all realize how -- how it was back  
18 then. Uh, for example, for the birds and the bees  
19 talk with me, my father told me that, uh, uh, never  
20 get involved in anything sexual, you know, without  
21 some, you know -- a -- a real known friend at a real  
22 known place and all because Willis McCall, uh, one  
23 of his stocks and trade was setting up sexual things  
24 and, uh, then blackmailing people to do what he  
25 wanted.  
26  
27 WG: Hmm.  
28  
29 BH: And he illustrated it with pictures that clients had  
30 brought him. You know, he was a -- a criminal  
31 attorney, a defense attorney. And, uh, you know, of  
32 situations like this. So, he managed to freak me out  
33 good about Willis by the time I was 12 or 13.  
34  
35 WG: Well, I imagine.  
36  
37 BH: And, uh -- so, uh, before any of this happened, I  
38 knew that Granddad and my father were definitely not  
39 friends or allies with Willis McCall, that, uh,  
40 everything was -- was show, and it -- it really was  
41 show. It was just -- that was, you know -- uh, was  
42 not understandable. Now --  
43  
44 WG: Let me -- let me stop you real quick. So, what was  
45 it that caused you to reach out to Mr. King and say  
46 that you had this information? You had told me on  
47 the phone a story about how you went to clean out  
48 your grandfather's office.  
49  
50 BH: All right. Well, what caused me to reach out was

1 finding out about his book and reading it.

2

3 WG: Okay.

4

5 BH: And finding out there's all this BS, all this stuff  
6 that, you know, that wasn't really the way it came  
7 down, and just the little things like, oh -- some  
8 little thing like, uh, oh, Granddad ate cornbread  
9 and milk. Never.

10

11 WG: Got it.

12

13 BH: The restaurants that he -- he, uh, stopped at got  
14 him buttermilk. He -- he had false teeth, and his  
15 road food -- his standard road food was -- was  
16 cornbread and buttermilk. Uh, I traveled with him  
17 from the -- now, Granddad started taking me around  
18 to friends and showing me off when I was three, four  
19 years old.

20

21 WG: Okay.

22

23 BH: You know? So, I would sit on the floor and play with  
24 cards and poker chips while he talked to all these  
25 people. There were some people he never took me to  
26 see. But he also took me up to the courthouse. I  
27 loved Judge Coonts [phonetic]. Judge Coonts made  
28 these, uh, statues, uh, and, uh, made casts of them  
29 and cast them in plaster. I found out since this was  
30 a kind of a standard thing that was done --

31

32 WG: Hmm.

33

34 BH: -- uh, in the '30s and '20s. But, uh, he had, for  
35 instance, two different sizes of granddad's dog,  
36 Bobby, and he made these plaques -- wall plaques --  
37 relief plaques, and he painted some and didn't paint  
38 some, and he was just a real nice person. And, uh,  
39 when -- and I -- and I hung out with Granddad during  
40 the war and all, and I was four years old, uh, and  
41 go down to the office, and he'd take me over to the  
42 courthouse.

43

44 WG: Where was his law office located?

45

46 BH: Across the street from the courthouse there.

47

48 WG: Okay. Was he the state attorney at that time?

49

50 BH: He was the state attorney since 1920-something.

1  
2 WG: Okay. Um, so, I found -- I've got the letter here  
3 that -- that you wrote, and I'm just gonna read it  
4 just so you can kind of authenticate it.  
5  
6 BH: Okay.  
7  
8 WG: And it looks like you wrote it January 13<sup>th</sup>, 2019.  
9 Um, is your email address brown33@gmail?  
10  
11 BH: (No audible response).  
12  
13 WG: Is that your email address?  
14  
15 BH: browh --  
16  
17 WG: Okay, h33.  
18  
19 BH: -- 33.  
20  
21 WG: Okay. "My name is Walton Broward Hunter Jr. J. W.  
22 Hunter was my grandfather. I recently read your  
23 books about Willis McCall. I wanted to thank you  
24 more than I can say for trying to let people know  
25 about this monster. The friend in Tavares that  
26 brought your books to my attention noted that you  
27 apparently didn't talk to anybody that knew my  
28 grandfather well," and said that was such a shame  
29 because there was so much more to the story. "I saw  
30 that when I read, he ate cornbread and milk that he  
31 was --"  
32  
33 BH: (unintelligible).  
34  
35 WG: "-- friends with McCall until the, quote, rape case.  
36 Neither is true. He always had buttermilk with his  
37 cornbread, and Willis, uh -- and he and Willis were  
38 mortal enemies by then. You of all people should  
39 know what kind of a mask he had to wear to be  
40 elected state's attorney at that time. Other kids  
41 growing up -- other kids grew up hearing horror  
42 stories about the buggerman. I grew up hearing about  
43 Willis McCall."  
44  
45 BH: That's true.  
46  
47 WG: Okay? "I saw Saturday that, quote, after dramatic  
48 hour-long meeting, Florida governor Ron DeSantis and  
49 the cabinet granted posthumous pardons for the -- to  
50 the four black men who were tortured, murdered, and

1 wrongfully imprisoned for the rape of a white woman  
2 in 1949, end quote. They all knew very well that  
3 there was no rape. My family and those closely  
4 involved, including the governor's office, had known  
5 since 1953 that there was no rape. Granddad and the  
6 judge knew it at the time of the second trial. If  
7 you're interested and will send me your hard mail  
8 address, I will write you a letter and try to tell  
9 you what I know about this situation. Thank you.  
10 Broward Hunter."

11  
12 BH: Yeah, except not '53. It wasn't till '55 that they  
13 got in contact with the governor's office.

14  
15 WG: Okay.

16  
17 BH: Uh, uh, the governor in '53 was still Fuller Warren.

18  
19 WG: Okay.

20  
21 BH: And, uh -- so, they would not, you know, contact him  
22 about this. Uh, and I'm sure they were real  
23 disappointed in ending up with Charley Johns 'cause  
24 that made him have to wait longer, you know, before  
25 getting to the governor with any of this stuff, uh,  
26 you know, to get a governor that would actually use  
27 it, to take action. And, uh, my father, according to  
28 him, he carried, uh, this -- a packet of information  
29 to the governor --

30  
31 WG: Okay. When you say he, who's he?

32  
33 BH: My father --

34  
35 WG: Okay.

36  
37 BH: -- Walton Hunter.

38  
39 WG: Okay.

40  
41 BH: Uh, carried the packet of information and a letter  
42 from my grandfather personally to the governor, and,  
43 uh, he gave it to him.

44  
45 WG: So, I've seen a letter that your -- your grandfather  
46 wrote to the governor.

47  
48 BH: Okay.

49  
50 WG: Um, the packet of information, what was in that

1 packet of information, and how do you know about it?  
2

3 BH: Uh, well, I know about it because my father told me  
4 about it.  
5

6 WG: Your father told you. Okay.  
7

8 BH: Uh, basically, the packet of information -- let me  
9 say it -- when -- now, we knew in -- in, uh -- after  
10 the trial that he knew that they were not guilty --  
11

12 WG: Okay.  
13

14 BH: -- because he -- it was in the family. Everybody in  
15 the family -- I think everybody knew that, uh,  
16 Granddad had sneaked into Irvin's room -- hospital  
17 room at, like, 5:00 in the morning with the deputy  
18 asleep -- is what the family story, the way it went  
19 -- and that he told his story. And his story was  
20 that he and Shepherd were Balida [phonetic] runners.  
21

22 WG: Okay.  
23

24 BH: That they were carrying tickets and money from a  
25 place in Orlando out to grove land, you know, paying  
26 off people, that that was what this was about, and  
27 that they had nothing to do with any rape and didn't  
28 know this white girl or anything about her. And, uh,  
29 uh, he was -- you know, he -- well, actually, what I  
30 found out in '71 was that he had had a detective  
31 check out their story.  
32

33 WG: Your -- your grandfather had --  
34

35 BH: My grandfather had a detective check out the story  
36 and that, uh, he believed it, and he had contacted,  
37 uh, uh, Judge Futch. And in 1971, uh, my father had  
38 a lull in his business. In 1970, they passed a law  
39 making it very hard for an attorney to get somebody  
40 out of a DUI. That was his bread and butter  
41 business. In 1971, he can get \$3,000 per case for  
42 getting, you know, all these wealthy people, uh, out  
43 of their DUIs. And, uh -- so, that was -- as a  
44 criminal attorney, his office used to be full of  
45 bushels of beans, boxes of corn, all this sort of  
46 stuff because he was having to defend these old  
47 farmers that didn't have any money that were getting  
48 in trouble, and they didn't have any way to pay. He  
49 got awards for the pro bono work that he did.  
50

1 WG: Uh-huh.  
2  
3 BH: Uh, so, he -- this -- this was his -- his real bread  
4 and butter in this, uh, area, and that dried up. So,  
5 uh, I went down -- uh, uh, my father and mother had  
6 gotten back together and remarried, uh, and, uh,  
7 we're living in Tavares at the time. And I was  
8 between jobs, uh, and, uh, went to stay with them.  
9 And so, my father rented a dumpster and said, okay,  
10 we'll go clean out the office 'cause it hadn't been  
11 cleaned in many years.  
12  
13 WG: Now, this is your grandfather's office he's cleaning  
14 out, or --  
15  
16 BH: The --  
17  
18 WG: -- or your father's office?  
19  
20 BH: The law office which was owned at that time -- since  
21 Granddad was dead, uh, my father owned three-  
22 quarters of it.  
23  
24 WG: Okay.  
25  
26 BH: And a quarter of it was left to Uncle Richard. And  
27 so, there was one office in the office building  
28 that, uh, was Richard and Betty's -- they had run a  
29 -- an abstract business, I believe it was --  
30  
31 WG: Okay.  
32  
33 BH: -- in this one office. And so, we started out  
34 cleaning that office and taking all the books off  
35 the shelf, throw them into the dumpster, and  
36 cleaning out everything we could, and getting the  
37 office cleaned up, and he and I both did that so he  
38 could show me what all he wanted done. Then he took  
39 his office and assigned me grandfather's office.  
40 Now, grandfather's office was off of the main lobby  
41 office, uh, the waiting room and all, and it -- the  
42 door was locked, and there was a chair that had been  
43 placed in front of it, and it hadn't been opened in  
44 years. As far as I knew, it had not been opened  
45 since the late '50s, since a couple years --  
46  
47 WG: Wow.  
48  
49 BH: -- after he died. They just locked it up, and that  
50 was that. So, uh -- so, I went in there and started

1 by, you know, dumping the law books and all. I  
2 noticed there was shelf paper of old newspapers that  
3 were dated 1946. So, that was the last time that the  
4 office had been cleaned. So, most everything, the  
5 junk and whatnot, was '46 to '55 or -- or  
6 thereabouts. So, uh, I went through and -- and --  
7 and just started, you know, cleaning things out and  
8 cleaning the papers out, getting the -- uh, and I  
9 did kinda look through the files and, uh, looking  
10 for things having to do with the -- the case, and  
11 the files had been cleaned out. There -- there was  
12 nothing on that case in the file cabinets. Uh, the -  
13 - but -- and in his -- and I cleaned out his -- his  
14 -- his desk. Nothing that interesting.

15  
16 But now this -- he had this long table. Actually,  
17 the sorting table I'm using in there is out of Uncle  
18 Richard's office. It was the poorest of the three  
19 conference tables. Uh, Granddad's was the nicest of  
20 the conference tables. The biggest, nice top and all  
21 that. And my father had the next to nicest, and the  
22 cheap one was in Uncle Richard's office. And, uh,  
23 this, uh, conference table, uh, had drawers in it on  
24 one side only. So, you didn't really even notice  
25 they were there unless you got on the -- the side  
26 that they were, and there were no handles on them to  
27 open them. You had to reach underneath and -- and  
28 start the drawer out. But it had three drawers in  
29 it, and these drawers were full of stuff. And, uh,  
30 what got me and I've since thought, wow, what --  
31 what a coincidence, because the first thing that I  
32 come across is a letter from Judge Coonts, which got  
33 me to reading it 'cause I like Judge Coonts a real  
34 lot.

35  
36 And so, I read this letter, and that's what started  
37 me actually reading into some of this stuff. Uh, the  
38 incoming letters -- and there wasn't a whole lot  
39 interesting in incoming letters. Uh, but his  
40 letters, they were all second and third carbons. Old  
41 second and third carbons, very difficult to read.  
42 The lettering was -- was pretty brown on a -- a  
43 yellow onionskin paper that turned yellow. And so,  
44 they were real difficult to read. So, as I -- I  
45 started trying to figure out, you know -- I did read  
46 some, and that's where I found out that he had, uh  
47 -- had definitely told, uh, uh, Judge Futch, you  
48 know, about the Balida --

49  
50 WG: Okay.

1  
2 BH: -- operation and that, uh -- now, he also told --  
3 according to what I was told, he also told Mable  
4 Norris Reese [phonetic] that, uh, she also knew --  
5  
6 WG: She's the reporter from --  
7  
8 BH: She was the reporter from the -- The Topic, that  
9 was, uh, a friend of his. And, uh, he told her that  
10 he knew that they were not guilty. So -- and, uh,  
11 how -- how much he convinced Judge Futch, I don't  
12 know because letters from Judge Futch were not  
13 there.  
14  
15 WG: So --  
16  
17 BH: So --  
18  
19 WG: So we're clear, so I understand -- 'cause I thought  
20 they were incoming letters that you were looking at.  
21 They were third copies -- second or third copies of  
22 outgoing letters from --  
23  
24 BH: Uh, mostly --  
25  
26 WG: -- your grand --  
27  
28 BH: -- outgoing letters, they were cursive originals.  
29  
30 WG: Okay.  
31  
32 BH: There were notes. There were reports. Uh, some from,  
33 uh, detectives. Other -- there was, uh -- I started  
34 -- uh, what happened is --  
35  
36 WG: Well, before -- before you go there -- and I don't  
37 want you to forget that thought, but what you said  
38 in your email was that they knew that there was no  
39 rape, the governor's office and the judge --  
40  
41 BH: Well --  
42  
43 WG: -- and your --  
44  
45 BH: -- the governor's office not in '53. Uh, that was a  
46 -- a mistake.  
47  
48 WG: Okay.  
49  
50 BH: That was '55.

1  
2 WG: Okay.  
3  
4 BH: Not '53.  
5  
6 WG: But -- but the judge and your grandfather -- what  
7 you're saying is that there were letters written  
8 from your grandfather to the judge --  
9  
10 BH: Yes.  
11  
12 WG: -- telling the judge, hey, I found out about this  
13 whole Balida operation.  
14  
15 BH: Yes.  
16  
17 WG: Was there anything specific about --  
18  
19 BH: That he had verified it.  
20  
21 WG: Okay. Was there anything about whether or not the --  
22 the rape had occurred?  
23  
24 BH: (No audible response).  
25  
26 WG: I mean, was -- was there a discussion where he said,  
27 I don't think these guys committed this rape? Did  
28 you read that in the letters at all?  
29  
30 BH: No, I didn't read that in the letters.  
31  
32 WG: Okay.  
33  
34 BH: Uh, I know myself now that he didn't, and that's why  
35 he --  
36  
37 (Phone ringing)  
38  
39 BH: -- uh, uh, kept the, uh --  
40  
41 WG: You can get that (phone ringing).  
42  
43 BH: Uh, kept the doctor's report from being used in  
44 court. Probably a sales call.  
45  
46 WG: Probably is.  
47  
48 KR: Your warranty is --  
49  
50 WG: Yeah, your car warranty probably.

1  
2 BH: Yes.  
3  
4 WG: Um --  
5  
6 BH: Or my computer has got something wrong with it.  
7 Right.  
8  
9 WG: So, how -- about how many letters -- I'll wait till  
10 that's done. (unintelligible). About how many  
11 letters are we talking about that you saw?  
12  
13 BH: I started collecting. Now, I found out that he had a  
14 xerox machine in the office at the time. I found out  
15 if I took one of these letters and put it on the  
16 xerox machine and copied it, then the -- the wording  
17 would turn black, and it was readable. It wasn't,  
18 you know, easy to read, but it was very readable.  
19 You could read the letters then. So, I started  
20 collecting them. I was, you know, a bit under the  
21 gun. We had this rented thing out there, and -- and  
22 my father was poking along on, you know, let's get  
23 this office cleaned out. And -- but I got, uh,  
24 really stopped on looking at these letters. But I  
25 started -- since I knew that I could xerox them and  
26 look at them, read them later, I started really  
27 looking at the letter just to see if it had  
28 something to do with the case and, uh, uh -- and  
29 collecting them into a cardboard box.  
30  
31 WG: Okay.  
32  
33 BH: Now, there were, uh, over 50 pieces of letter and  
34 reports and stuff like that that I had collected in  
35 this box. They were --  
36  
37 WG: Just related to this case?  
38  
39 BH: Just related to this case that were there. Uh, that,  
40 uh -- uh, when -- when I got through with the three  
41 drawers and had a -- a -- a stack in the cardboard  
42 box like that of -- of letters and -- and papers,  
43 uh, I told my father, uh, that he needed to okay  
44 what I had found, and he said, "Oh, yeah, that was  
45 in there." And he -- that's when he told me, yes, he  
46 knew that, uh -- that it was, uh, not a rape case  
47 and that Granddad knew it and he knew it, and, uh, I  
48 don't remember whether he said himself that Judge  
49 Futch knew it. But I -- I remember that. But I do  
50 know that the next morning we went to the office,

1 and I went to get my box, and it was gone.  
2  
3 WG: Okay.  
4  
5 BH: And my father said he got rid of it. And he told me  
6 point-blank that if there were people -- that if  
7 they knew I had -- that I even knew that, much less  
8 that I had that, that I would be killed. This was  
9 1971. Willis was still king of the county. That, uh,  
10 uh -- that -- now -- now also I know -- and I knew  
11 from the letters, that the -- by the time they had  
12 the second trial, that the investigation was still  
13 going on, but it wasn't an investigation of the  
14 rape. It was an investigation of Willis McCall, and  
15 this was what the other letters were about, was he  
16 was investigating Willis McCall.  
17  
18 WG: Could -- could it be -- 'cause remember, before the  
19 second trial, that's when Sheriff McCall shot  
20 Shepherd and Irvin, and then the FBI got involved,  
21 that they were regarded -- they were in reference to  
22 that FBI investigation 'cause that was going on --  
23 am -- am I right on the timeline?  
24  
25 KR: Yes, sir.  
26  
27 WG: Um, that was going on after the first trial. And  
28 before the second trial, that's when Shepherd --  
29  
30 BH: Yeah. Well, it was while Irvin was wounded --  
31  
32 WG: Uh-huh.  
33  
34 BH: -- and lying in the hospital room that, uh -- that  
35 -- that's when Granddad found out that it was, uh,  
36 not a rape case, and I'm sure he -- he quit thinking  
37 anything about the rape case at that point.  
38  
39 WG: So, let me ask. Why do -- why do you think he went  
40 to trial on the second -- the second time, then?  
41  
42 BH: Because there was no way that he wasn't gonna get  
43 convicted? There was no way -- and I can believe  
44 this because I was there, and I know that -- well,  
45 for instance, they tried to try Willis for murder.  
46 He was released.  
47  
48 WG: Right.  
49  
50 BH: You couldn't get a conviction on a white man for

1 killing a black person.

2

3 WG: Okay.

4

5 BH: And you couldn't not get a conviction on a black man  
6 for raping a white woman. So -- and, uh, he didn't  
7 want to spill the beans. He did not want Willis to  
8 find out they were investigating him. But by then,  
9 Granddad thought that this was -- this whole thing  
10 was Willis's -- that Willis was involved in the  
11 Balida operation, and that he was eliminating  
12 competition.

13

14 WG: All right. So, think it -- let me -- let me ask you  
15 about these letters, then. So, you've got you said  
16 approximately 50 letters or so. They're outgoing  
17 letters from your grandfather.

18

19 BH: Yes.

20

21 WG: Um, were they all to --

22

23 BH: (unintelligible) --

24

25 WG: -- Judge Futch, or were they --

26

27 BH: Oh, no, no, no.

28

29 WG: Okay.

30

31 BH: These were -- were different people. I don't -- I'm  
32 not sure.

33

34 WG: Okay.

35

36 BH: Uh, uh, could've been even FBI. I don't -- I don't  
37 remember now because after getting -- after -- like,  
38 I remember the one with Judge Futch 'cause it was  
39 shocking.

40

41 WG: Uh-huh.

42

43 BH: It shocked me so much that I can remember it. Mostly  
44 what I remember is I remember seeing these letters.  
45 I remember the yellow paper, the brownish ink, and I  
46 remember scenes. I remember seeing the drawers --  
47 you know, opening the drawers. These were, like,  
48 special moments.

49

50 WG: Uh-huh.

1  
2 BH: And I can remember pictures better than I can  
3 remember words. And once I got down to I'm really  
4 just looking for dates and, uh, anything that lets  
5 me tie this into this investigation. But I can say  
6 that by the time of the second trial, he was still  
7 having an investigation. He was, uh, having, uh, uh,  
8 detectives investigate Willis McCall.  
9  
10 WG: Got it.  
11  
12 BH: And he thought that this whole thing, rather than  
13 being a rape case, was Willis McCall using a  
14 domestic argument or something like that as a -- you  
15 know, a -- a way to get some people that were on his  
16 shit list.  
17  
18 WG: Got it. So, this office that was, um, your  
19 grandfather's --  
20  
21 BH: Yeah.  
22  
23 WG: -- do you recall going there ever as a kid while he  
24 was still practicing before --  
25  
26 BH: Oh, lots of times.  
27  
28 WG: Okay. So, you're familiar with that office?  
29  
30 BH: I've even ridden my tricycle down there.  
31  
32 WG: Okay.  
33  
34 BH: I mean, it was, uh -- I mean, it was walking  
35 distance from the house we lived in. It was three  
36 blocks away.  
37  
38 WG: This is in Tavares?  
39  
40 BH: In Tavares.  
41  
42 WG: Okay. Um, in that particular office in that  
43 building, you always knew to be his -- his office?  
44  
45 BH: That's right.  
46  
47 WG: And when you went in there, you didn't think anybody  
48 had been there since he -- perhaps even since he  
49 passed away?  
50

1 BH: Uh --  
2  
3 WG: For the most part.  
4  
5 BH: -- well, since a couple years after he passed away.  
6 Of course, they went in there to get papers and  
7 things --  
8  
9 WG: Sure.  
10  
11 BH: -- for a while. Uh --  
12  
13 WG: But it was as you -- it was as you remember it?  
14  
15 BH: Right. But, uh, I wasn't living there when he passed  
16 away.  
17  
18 WG: Okay.  
19  
20 BH: We had moved to -- Mother and I had moved to  
21 Orlando. She had gotten a divorce, and, uh, we moved  
22 to Orlando. She had been trying to get a divorce  
23 and, uh, not able to, uh, and Granddad was a big  
24 holy thing. He did not want his boy divorced. You  
25 know?  
26  
27 WG: Uh-huh.  
28  
29 BH: And, uh -- so, she finally ran and had to -- she  
30 went to Jones Business College and then went to work  
31 for an abstract company, and we lived in a little  
32 two-bedroom, one-bath house on Princeton Street, and  
33 I went to Edgewater High School. And, uh, uh -- so,  
34 she ran, got out of that -- I mean, in Mount Dora,  
35 we lived in this wonderful big house on the hill on  
36 Lake Gertrude --  
37  
38 WG: (unintelligible).  
39  
40 BH: -- with a swimming beach. Oh, boy, I had my own  
41 quarters. It was architect-built, and I -- I -- I  
42 loved the architect. I --  
43  
44 WG: Yeah.  
45  
46 BH: -- hung out with him some. He had invented one of  
47 the, uh, record changer jukeboxes and all. He had --  
48 his, uh, shop was all full of all these neat things  
49 which I always liked.  
50

1 WG: Let me -- let me ask you about the letters. Are they  
2 -- were they hand-written?  
3  
4 BH: There were some incoming hand-written letters. There  
5 were some notes of his --  
6  
7 WG: Okay.  
8  
9 BH: -- that were hand-written. They were cursive. Uh,  
10 the, uh -- the -- there -- the type letters were --  
11 were the carbons I'm talking about.  
12  
13 WG: They were typed in triplicate. They were typed.  
14  
15 BH: Duplicate or triplicate.  
16  
17 WG: Okay.  
18  
19 BH: You could tell the difference 'cause the -- the  
20 triplicate was almost totally unreadable.  
21  
22 WG: Anything on letterhead from your grandfather's firm?  
23  
24 BH: (No audible response).  
25  
26 WG: Do you remember?  
27  
28 BH: I don't remember.  
29  
30 WG: Okay.  
31  
32 BH: I -- I think he normally did type on -- on  
33 letterhead. I -- I -- I wasn't looking for that.  
34  
35 WG: No, I'm just trying --  
36  
37 BH: I was --  
38  
39 WG: -- to get details. That's all. See what you --  
40  
41 BH: Yeah.  
42  
43 WG: -- remember. You know?  
44  
45 BH: I was looking in the letters to see if they had any  
46 bearing on the case.  
47  
48 WG: So, when your grand --  
49  
50 BH: And -- and not that case 'cause by that time --

1 well, of course I was looking for Barry [phonetic]  
2 on that case, but the case that my granddad was  
3 really interested in by -- by '52 was Willis McCall.  
4  
5 WG: Um, got anything?  
6  
7 KR: This was '71 that you found the letters, right?  
8  
9 BH: Uh, yes.  
-10  
11 KR: Okay.  
12  
13 BH: This was, uh -- oh, uh -- oh, maybe March of '71.  
14  
15 KR: All right. How old were you at that time?  
16  
17 BH: Uh, 32?  
18  
19 KR: Okay. All right. So, what made you so interested in  
20 these particular cases that you were looking for  
21 that? What -- you know, why were you looking -- you  
22 know, going through --  
23  
24 BH: Okay.  
25  
26 KR: -- his stuff and -- and focused on Groveland Four  
27 and Willis McCall?  
28  
29 BH: Okay. Uh, that's easy. Uh, in 1952, uh -- well, uh,  
30 we moved -- after the fourth grade, we moved to this  
31 house on Lake Gertrude, Mount Dora. But I stayed for  
32 the next three years or so in Tavares, and after  
33 school, I would go down to, uh -- was two blocks  
34 from the school was Grandmother's house. So, I  
35 stayed there, waiting for my father. It was great. I  
36 visited with -- with her and, uh, at -- at this  
37 time, Granddad was still -- would be off, and he  
38 would get in at some point. And, uh, uh, she wasn't  
39 using her old sewing room anymore, had a day bed in  
40 it. So, that became my sort of little refuge, and  
41 they had some wonderful collections. For instance,  
42 they had National Geographic from, you know, the  
43 '30s and '40s and -- now, I -- I was a library  
44 freak.  
45  
46 KR: Okay.  
47  
48 BH: Uh, for the time, my whole big thing getting into  
49 seventh grade at Tavares was, oh, now we get to use  
50 the library. And Miss Berkbeck [phonetic] became my

1 -- my favorite teacher. She was the librarian. She  
2 taught me to use the card catalogue. I read all  
3 these books. Uh, I read the Compton's Encyclopedia  
4 from A to Z. I read science fiction books. I read,  
5 uh -- oh, I can remember reading Daniel Ellsberg,  
6 the diver -- Navy diver, salvage of a submarine, and  
7 how she let me go into the stacks and find in an old  
8 encyclopedia set, uh, a cutaway drawing of the  
9 fleet-type submarine that he was salvaging. I can  
10 still remember seeing how color TVs work. There was  
11 -- this was -- color TV -- before color TV or  
12 anything, but in one of the science books, they had  
13 three systems for color TV; one using three  
14 different CRT tubes; the CVS system, which was  
15 supposedly the best, had a big color wheel, and the  
16 -- the TV set had this big (sound effect) on it, and  
17 the color wheel spun, and that was fine with a 12-  
18 inch tube. Once the tubes got to a great big 60-  
19 inch, wasn't so fine anymore. Then there was the --  
20 the shadow mask system, the RCA system, which was  
21 the one that eventually won and became the color TV  
22 system. Uh, but that -- I -- I was always a library  
23 freak.

24  
25 And, uh -- and my earlier -- and, like, I can  
26 remember, like, in Uncle Jimmy's house. What was  
27 exciting about Uncle Jimmy's house? Well, because he  
28 had a Revere 8mm camera and projector, and this was  
29 before this 49 and all.

30  
31 KR: So --

32  
33 BH: I would remember the neat machines and all that --

34  
35 KR: Hmm.

36  
37 BH: -- people would have more than the people.

38  
39 KR: So, this thirst for knowledge is why you were --

40  
41 BH: I had a --

42  
43 KR: -- keyed in on these --

44  
45 BH: I had a thirst for knowledge, but no, that's not the  
46 reason.

47  
48 KR: Oh, okay.

49  
50 BH: All right. Getting to it.

1  
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50

KR: I'm sorry.

BH: Uh, the -- in the seventh grade, uh, we had this agriculture teacher that assigned gardens to us, home garden. At the house, we had a -- a driveway that came way long up the hill, and then was a circle.

(Phone ringing)

WG: Excuse me. There we go. Go ahead.

BH: Uh, we had this circular driveway, and I had my garden in the circle. And one day, uh, this was, uh -- my garden was late. I was late putting it in. Uh, I wasn't into agriculture that much. I wanted to be in the science club. Uh, everybody had to be in the FFA. So, anyway, I was late putting my garden in. And in June, it was still -- hadn't finished yet. And these two guys came up and parked. They came the opposite way. Most people came around the driveway, but they parked their car. Momma saw them, uh, from the kitchen, came out the -- the walkway to the other side of the road. Now, I was in the center. I couldn't see -- I couldn't hear what they were saying, but I could see them. One of them had a -- a -- a clipboard, and they talked for a while, and then she signed the paper he had, and they left. And I went and asked her about it, and she said, "Well, Granddad had had a seizure, and they needed to put him in the hospital. And so, I had to sign the -- the thing 'cause everybody else was gone." Hmm.

Now, his doctor, Dr. Tire, and his partner, Dr. Williams, which was our family doctor and a family friend, uh, uh, were out of town at a medical convention. Uh, Aunt Dot [phonetic] was off somewhere. My father was off at a sanitarium drying out. I remember going to the train station, you know, and seeing him off and all that. And he had -- hmm, he had, uh, a real -- he -- for me, it was the 441 going into Mount Dora, there's a --

KR: Uh-huh.

BH: -- hill there. He rolled a car off it upside down on the railroad tracks below, came in covered with blood, totally unhurt. He had two pounds of fresh chicken livers on the seat beside him, blood

1 everywhere, not a drop of it his. And he -- he  
2 wrecked two cars, uh, and was just mean drunk on --  
3 when he drank hard liquor. Uh, so, that's what got  
4 her, you know, running.

5  
6 But anyway, so there was nobody, according to them,  
7 but her, uh, who could sign this paper. Well, it  
8 turned out boy did the doctors freak out. Everybody  
9 freaked out because they had electroshocked the hell  
10 out of him. They had captured him. And we found out  
11 -- what I was told was he at that time was -- he had  
12 sent a detective to Tampa because he found out that  
13 Willis's connection was somehow connected with  
14 Tampa, and he had sent a detective to Tampa and  
15 that, uh, the detective, uh, didn't call in or  
16 something at the right time, and so he went down to  
17 Tampa to find the detective, and he got captured and  
18 given this electroshock treatment that just -- just  
19 blew him out.

20  
21 WG: This is while he was still in office?

22  
23 BH: Yes. This was June of 1952.

24  
25 WG: Okay.

26  
27 BH: Uh, so, this is what sort of ended the  
28 investigation. Uh, now, after that, I -- I -- I rode  
29 with him. Uh, he would still drive a car. He could  
30 hold a conversation and drive a car. But when he  
31 drove a car, he would push the accelerator all the  
32 way down and let it up, down and let it up. Aunt Dot  
33 refused to ride with him at all. Uh, Uncle Richard  
34 chauffeured him around mostly. Uh, he -- he, uh --  
35 to me, it was -- it was fun but -- but, oh -- oh, it  
36 broke my heart to see my grandfather like that.

37  
38 WG: Let me -- let me -- let me cut you off. So --

39  
40 BH: Yeah.

41  
42 WG: -- the -- the most detail you recall from those  
43 letters was about Balida and how the sheriff --

44  
45 BH: Yes.

46  
47 WG: -- uh, was involved in Balida --

48  
49 BH: And then it was an investigation of the sheriff.

50

1 WG: Uh, uh, right.  
2  
3 BH: Right.  
4  
5 WG: But did anything suggest in those letters to you  
6 specifically that they knew that these four men  
7 didn't commit this rape?  
8  
9 BH: I know that I came out of that knowing good and well  
10 that the four men didn't commit the rape.  
11  
12 WG: Okay.  
13  
14 BH: Now, uh, I -- I don't remember anything  
15 specifically.  
16  
17 WG: Okay.  
18  
19 BH: But it -- it -- by that time, it was obvious to me  
20 that, hey, he knew that these four men did not --  
21 that this was not -- have anything to do with a  
22 rape.  
23  
24 WG: Okay.  
25  
26 BH: This had nothing to do with a rape.  
27  
28 WG: So, let's fast forward to '55 when you realize --  
29 you said earlier that the governor's office at that  
30 time --  
31  
32 BH: Right.  
33  
34 WG: -- at least around that time knew that there was no  
35 rape --  
36  
37 BH: What my --  
38  
39 WG: -- at that --  
40  
41 BH: -- father said was that he and Carrie [phonetic] --  
42 what I -- we were talking about this information.  
43  
44 WG: Uh-huh.  
45  
46 BH: He said he got rid of it. He never got rid of  
47 anything.  
48  
49 WG: Okay.  
50

1 BH: I mean, he -- his place was worse than mine. Uh, he  
2 -- he -- he was -- he held onto things. I don't know  
3 what happened to him, but they're somewhere, the  
4 collection that I made. And that -- that was a good  
5 collection. But the originals -- the -- the best  
6 part of that collection, uh, the first carbons, the,  
7 uh -- the whatever, the best part of that collection  
8 had been hand-delivered by my father is a -- as a  
9 packet to the governor's office to Governor LeRoy  
10 Collins.

11  
12 WG: Okay. So, you're saying the stuff you found in '71  
13 you think is just carbon copies of what was  
14 delivered in '55 up to Governor Collins?

15  
16 BH: Yes. I don't know what was delivered, but the -- the  
17 cream of what I found would have been delivered, and  
18 any incoming letters like from Judge Futch that  
19 admitted that he knew that -- that, uh -- that, uh,  
20 this was not a rape case, that that was known by the  
21 governor's office 'cause that would've been in that  
22 packet, and my father said that they delivered this  
23 packet, that that had everything that you needed to  
24 know about this to prove that it was a Balida  
25 operation, and that McCall was -- was, uh, well,  
26 totally in this operation.

27  
28 WG: Okay.

29  
30 BH: So -- but I can -- I can just remember what I felt  
31 like when I got through with it, that I knew that it  
32 was not, you know, a rape, that it had nothing to do  
33 with a rape, and also that Granddad was trying to  
34 save this guy, not convict him. And, uh, there's a  
35 -- yeah, why didn't Futch go along that well? I  
36 mean, how many times did he set up that trial, you  
37 know, uh, with mistakes with, uh -- with all kinds  
38 of ways to --

39  
40 WG: Well, that, and your grandfather still tried him. He  
41 still was the -- the trial lawyer and convicted him.

42  
43 BH: Oh, yes.

44  
45 WG: So --

46  
47 BH: Yes.

48  
49 WG: -- I mean --

50

1 BH: Well, he -- he was, but --  
2  
3 WG: Wasn't just on Futch.  
4  
5 BH: -- now remember, what I am saying is that there was  
6 no way to not convict him. There was no way to get  
7 him off. Doesn't matter what would happen, that jury  
8 was gonna convict that black man no matter what that  
9 happened at the trial. That was -- that was -- that  
10 was just it. And he made enough mistakes that there  
11 should have been, you know, a -- a -- a way to get  
12 from that to a -- either a mistrial or a retrial or  
13 -- or some kind of an appeal, uh, to get out of  
14 that. And of course, he didn't realize that he was  
15 gonna get his head blown out, uh, before he ever  
16 left office. So, he didn't realize that he was gonna  
17 be pretty much put out of it, you know, before he  
18 got to conclude his investigation and before he got  
19 to -- to do what he was gonna do. So, I -- I believe  
20 that he believed that they were gonna get him out,  
21 that they had, uh, enough evidence to get him out  
22 even though they had to convict him.  
23  
24 WG: So, let the trial go through --  
25  
26 BH: Let the trial go --  
27  
28 WG: -- knowing that, I'll still be in office, uh, and  
29 then I can take care of it and show that this guy  
30 really -- these four guys didn't --  
31  
32 BH: That's correct.  
33  
34 WG: -- do this.  
35  
36 BH: That's my feeling. That's what I felt. That's what  
37 my father said.  
38  
39 WG: Your -- and your father said that to you?  
40  
41 BH: That -- that they were trying to get him off.  
42  
43 WG: Did your father say that to you?  
44  
45 BH: My father said to me that they were trying to -- to  
46 actually --  
47  
48 WG: (unintelligible).  
49  
50 BH: -- save this guy, not to get him off. They were

1           trying to save this guy's life.  
2  
3    WG:   Okay. 'Cause the -- when you say save, the letter  
4           that I saw from your -- from your grandfather was a  
5           letter to the governor's office that said,  
6           essentially, I'm okay if you were to commute his  
7           sentence, or something like that. So, that makes  
8           more sense that he's trying to save his life as  
9           opposed to, you know, get him off from the  
10          conviction. See what I'm saying? Uh --  
11  
12   BH:   Uh, yeah, I see what --  
13  
14   WG:   Okay.  
15  
16   BH:   -- you're saying. Well, that's -- that's what my  
17          father said, that he was --  
18  
19   WG:   Yeah.  
20  
21   BH:   -- trying to save his life.  
22  
23   WG:   You told me on Friday -- or, I guess it was Friday  
24          when we talked -- that you were gonna check with  
25          some other relatives to see where those papers might  
26          be?  
27  
28   BH:   Well, yes, and, uh -- uh, uh, uh, and my cousin  
29          Chris in Tavares said that at the Tavares Museum,  
30          that she had -- where, uh, Uncle Richard's desk  
31          ended up and some other furniture from the office  
32          ended up at the museum there.  
33  
34   WG:   You talking about the museum in Tavares at the  
35          courthouse, the bottom floor of the courthouse? The  
36          old --  
37  
38   BH:   I think that's the county museum.  
39  
40   WG:   Okay.  
41  
42   BH:   I'm not sure.  
43  
44   WG:   Right.  
45  
46   BH:   I'm not sure that he would've trusted the county  
47          museum at all.  
48  
49   WG:   Okay.  
50

1 BH: I don't know. But anyway, the -- the Tavares Museum  
2 -- which has moved around a couple times since I've  
3 been there. Uh, I think it's down near the Wootton  
4 Park area.  
5  
6 WG: Okay. We can find it. I know where --  
7  
8 BH: Somewhere like that.  
9  
10 WG: -- know where Wootton Park is.  
11  
12 BH: But Chris said that she had seen some paperwork in  
13 there, and she recognized Aunt Betty's handwriting  
14 on it.  
15  
16 WG: Okay.  
17  
18 BH: So, Aunt -- and Aunt Betty, that was the desk that  
19 they got, but -- so, there was some paperwork there  
20 from the office. I'm not saying those things were  
21 there. I don't know where they're there.  
22  
23 WG: Okay.  
24  
25 BH: Uh, I don't know where -- where -- who he would give  
26 them to. Uh, a law library, Smathers Law Library,  
27 perhaps?  
28  
29 WG: I think agents been up to, uh --  
30  
31 BH: You been there?  
32  
33 KR: Yeah. I've been to --  
34  
35 WG: (unintelligible) --  
36  
37 KR: -- UF. I've been to USF. I've -- yeah.  
38  
39 BH: Okay. Uh, I don't know where.  
40  
41 WG: Okay.  
42  
43 BH: I do know that that -- that people -- that I did  
44 call some people (unintelligible) "don't -- don't  
45 touch it. Don't touch it. Let it lie. Go away."  
46  
47 WG: You mean recently when you called people?  
48  
49 BH: Yes, last weekend.  
50

1 WG: They're still worried 70 years later?  
2

3 BH: They -- well, they're -- they don't want anything to  
4 do with it.  
5

6 WG: Do any of them have any information that I need that  
7 would be helpful?  
8

9 BH: Not that they admitted to having, that -- that --  
10 that's for sure.  
11

12 WG: All right. Okay. Um, well, if you're me, and I'm  
13 trying to find these papers which I guess isn't  
14 gonna happen, do you have any other information that  
15 -- that you would think would be relevant to what --  
16 what we're looking for here?  
17

18 BH: I don't know except that, uh, you know, like I said  
19 that they electroshocked him. They really hurt him.  
20 And they -- that's what put him out of business. Uh  
21 --  
22

23 WG: Did someone run against him and he lose, or did he  
24 resign?  
25

26 BH: Oh, he had to -- he -- he couldn't continue on.  
27

28 WG: Okay.  
29

30 BH: They said -- well, he -- he had been diagnosed with  
31 leukemia. Right before the trial, in fact, he was  
32 diagnosed with leukemia. Well, that didn't slow him  
33 down. It was the electroshock in June of '52 that  
34 slowed him down. So, that meant that he was not  
35 gonna run again. Uh, so, that, uh, put him out of  
36 business, and I believe this Mr. Buley [phonetic],  
37 did he become state's attorney after that? He was  
38 the assistant state's attorney.  
39

40 KR: Yeah.  
41

42 WG: Okay.  
43

44 BH: Uh, he was not particularly a friend. Uh, I used to  
45 -- Granddad would take me up to Gainesville when he  
46 come up here, and we'd stay at the Thomas Hotel,  
47 and, uh -- it was starting from when I was little up  
48 to when I was old enough to wander off by myself  
49 through downtown, go to Beards Hardware, look around  
50 through there, was the most interested. Uh, there

1 was a dime store in Ocala. We'd stop at the dime  
2 store. He'd get me something at the dime store. Then  
3 we would go by this one office, and he didn't tell  
4 me who it was or anything. I know now it's Buley's  
5 office. Uh, but that's the one place he would make  
6 me stay in the car. But all of his friend's offices  
7 and all, he would bring me in. But Buley's office,  
8 never.  
9

10 WG: Hmm.

11

12 BH: I sit in the car. And course I had my toy or  
13 whatever I got, a comic book or whatever, and sit in  
14 the car while he went in and talked to him. Then we  
15 go into Gainesville. But, uh, uh, I -- I think it  
16 was Mr. Buley that became state's attorney --  
17

18 WG: Okay.

19

20 BH: -- next. I'm not sure. Now also, uh, now before  
21 that, I don't know when did it -- when did it  
22 change, because Gainesville was part of the 5<sup>th</sup>  
23 congressional district.  
24

25 WG: Uh, uh, I don't know. So, I know that at the time of  
26 the rape -- the alleged rape, it was the five  
27 counties that it is now. So, I think it must've been  
28 before that that Gainesville was in there. I mean,  
29 it was still called the 5<sup>th</sup> Circuit according to --  
30

31 KR: Well, congressional districts also are different  
32 than --  
33

34 BH: Oh, the -- the circuits.  
35

36 KR: -- uh, than judicial circuits.  
37

38 BH: The judicial circuits.  
39

40 KR: So -- yeah.  
41

42 WG: Yeah.  
43

44 KR: Yeah.  
45

46 BH: Okay. Well --  
47

48 WG: Yeah. So --  
49

50 BH: -- when -- when I was coming up here with him, uh,

1           it was part of his bailiwick.  
2  
3    KR:    Okay.  
4  
5    BH:    Uh, he was, uh --  
6  
7    WG:    Got it.  
8  
9    KR:    Hmm.  
10  
11   WG:    Okay.  
12  
13   BH:    -- up -- up here in --  
14  
15   WG:    Hmm.  
16  
17   BH:    -- uh, court situation. So --  
18  
19   WG:    Sure.  
20  
21   KR:    All right.  
22  
23   BH:    So, I don't -- I don't know when it changed. Uh, but  
24           apparently, by the time of the trial, it -- it  
25           changed, uh, or they would've --  
26  
27   KR:    All right. You ready to wrap this -- okay. Couple  
28           questions, then we'll close it out.  
29  
30   BH:    Yeah.  
31  
32   KR:    Uh, did you voluntarily provide this statement  
33           today?  
34  
35   BH:    I sure did.  
36  
37   KR:    Have you been promised anything in exchange for  
38           providing this statement today?  
39  
40   BH:    No.  
41  
42   KR:    Has the information that you provided during this  
43           interview been the truth to the best of your  
44           knowledge or recollection?  
45  
46   BH:    It certainly is.  
47  
48   KR:    All right. This interview is concluded at  
49           approximately 1:59 p.m. on Monday the 30<sup>th</sup> of August  
50           2021.

1  
2  
3  
4

(CONCLUSION OF INTERVIEW)

Transcribed by: ngj/ng/ms

# EXHIBIT 6

## FLORIDA DEPARTMENT OF LAW ENFORCEMENT INVESTIGATIVE REPORT

On July 16, 1949, ██████████ ██████████ reported being sexually assaulted in Lake County, Florida, near the city of Groveland. Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the men who came to be known as the "Groveland Four," were subsequently arrested and convicted on charges related to the alleged offense.

On December 19, 2018, Florida Attorney General Pam Bondi directed the Florida Department of Law Enforcement (FDLE) to conduct a review of the case. A copy of that letter sent to FDLE Commissioner Rick Swearingen is attached to this investigative report as Related Item #01.

FDLE Office of Executive Investigations (OEI) Inspector Keith Riddick was assigned to lead the review of this matter.

On or about July 30, 2021, copies of all documentation relative to this investigation was provided to the Honorable William Gladson, State Attorney for the 5<sup>th</sup> Judicial Circuit.

On September 2, 2021, Mr. Gladson requested that FDLE contact the Lake County Clerk of the Court and confirm that the evidence taken in the original investigation was no longer in their possession, as they had previously reported. Inspector Riddick called and spoke with Terry Shafar, Evidence Custodian for the Clerk. Ms. Shafar stated she would check on the status of the evidence and call back. On September 3, 2021, Ms. Shafar called back and advised that they did still have evidence from the 1949 investigation, which included the pants taken from Walter Irvin's home, but she would have to have a court order to determine exactly what was in their possession.

On September 3, 2021, Nicholas Camuccio, Assistant State Attorney (ASA) for the Fifth Judicial Circuit filed a motion ordering the release of the above described pants so that they could be taken to FDLE's crime lab in Orlando for testing. The motion was granted by Lake County Circuit Court Judge G. Richard Singletery.

On September 8, 2021, an amended order was received stating that after testing the pants must be returned to the Clerk's office, and an order was issued allowing members of FDLE and the Fifth Circuit Office of the State Attorney to review and inspect those items held as evidence in this matter by the Clerk's office and allowing for an inventory of said items to be provided to FDLE.

Case Number: EI-73-8662	Serial #: 39
Author: Riddick, Keith B	Office: Executive Investigations
Activity Start Date: 09/01/2021	Activity End Date:09/16/2021
Approved By: Negrete, Luis Angel	

Description: Evidence located, reviewed, and examined

*THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.*

Case Number	EI-73-8662
IR Number	39

On September 9, 2021, State Attorney Gladson, State Attorney Investigator Penni Norris, and FDLE Special Agent (SA) Danielle Wiles, met with Ms. Shafar at the Lake County Courthouse. Then and there the evidence was inventoried and photographed prior to the pants in question being released to SA Wiles. Among the items of evidence in the Clerk's possession, was the pair of pants previously discussed, a handkerchief containing a piece of cotton, a pair of shoes, and footwear impression casts. A copy of the Clerk's inventory is attached to this investigative report as related item #53.

SA Wiles then transported the pants to FDLE's Orlando lab and submitted them into evidence for serological examination. Copies of said photographs were attached to an investigative report rendered by SA Wiles documenting her actions in this matter.

On September 16, 2021, FDLE Senior Crime Laboratory Analyst Timothy B. Petree filed a report stating "no semen was identified on" the pants submitted by SA Wiles.

Copies of the motions, orders and lab report are attached to this investigative report as related item #52.

# EXHIBIT 7

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA, IN AND FOR LAKE COUNTY

STATE OF FLORIDA

CASE NO. 1949-CF-001369

VS

WALTER IRVIN,  
Defendant

## ORDER RELEASING EVIDENCE

THIS CAUSE having come on to be heard before The Court, it is  
ORDERED AND ADJUDGED that The Court direct the Clerk to

1. Release an inventory of items entered into evidence in this case to Agent Keith Riddick and the State Attorney's Office.
2. Allow Agent Keith Riddick and representatives from the State Attorney's Office to review and inspect items of evidence in the possession of the clerk to determine if other evidence could be scientifically tested.

DONE AND ORDERED at Tavares, Lake County, Florida, this the 8 day of  
September, 2021.

  
\_\_\_\_\_  
CIRCUIT JUDGE

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been  
furnished by U.S. Mail/Hand Delivery/E-Service to: Nicholas Camuccio, Assistant State Attorney  
and Vivionne Barker, Attorney for the Defense, this 8 day of September, 2021.

  
\_\_\_\_\_  
Deputy Clerk

CLERK OF CIRCUIT  
AND COUNTY COURT  
LAKE COUNTY  
TAVARES FLORIDA

2021 SEP -8 AM 9:00

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA, IN AND FOR LAKE COUNTY

STATE OF FLORIDA

CASE NO. 1949-CF-001369

VS

WALTER IRVIN,  
Defendant

\_\_\_\_\_ /

**ORDER RELEASING EVIDENCE**

THIS CAUSE having come on to be heard before The Court, it is

ORDERED AND ADJUDGED that The Court direct the Clerk to release the pants admitted into evidence in the trial of Walter Irvin to Agent Keith Riddick of the Florida Department of Law Enforcement for further scientific testing. Once the testing is completed, Agent Riddick or his designee will hand deliver the item back to the clerk's office to be placed back in the custody of the clerk.

DONE AND ORDERED at Tavares, Lake County, Florida, this the 8 day of  
September, 2021.

\_\_\_\_\_  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by U.S. Mail/Hand Delivery/E-Service to: Nicholas Camuccio, Assistant State Attorney and Vivionne Barker, Attorney for the Defense, this 8 day of September, 2021.

AB  
Deputy Clerk

CLERK OF CIRCUIT  
AND COUNTY COURT  
LAKE COUNTY  
TAVARES FLORIDA

2021 SEP - 8 PM 03:00

# EXHIBIT 8



Florida Department of  
Law Enforcement  
Richard L. Swearingen  
Commissioner

Orlando Regional Operations Center  
500 W. Robinson St.  
Orlando, Florida 32801-1771  
1-800-226-8521  
www.fdle.state.fl.us

Ron DeSantis, Governor  
Ashley Moody, Attorney General  
Jimmy Patronis, Chief Financial Officer  
Nikki Fried, Commissioner of Agriculture

## LABORATORY REPORT September 16, 2021

**TO:** FDLE - Orlando  
500 West Robinson Street  
Orlando, FL 32801-1771

**FDLE NUMBER:** 20210512143  
**SUBMISSION:** 1  
**AGENCY NUMBER:** EI-73-8662

**ATTN:** Riddick, Keith

SUBPOENAS PERTAINING TO THIS CASE  
SHOULD REFER TO THE FDLE NUMBER.

Timothy B. Petree  
Senior Crime Laboratory Analyst  
Biology Section

**OFFENSE(S):** Sexual Assault  
Lake County  
June 16, 1949

### REFERENCE:

This report references evidence submitted to the Florida Department of Law Enforcement on September 9, 2021 by Kasi Lancaster. This report contains conclusions, opinions, and/or interpretations made by the author.

### EVIDENCE:

FDLE Item#	Agency Exhibit#	Description
1	DW1	Pants
1.1		Comb
1.2		Handkerchief

### RESULTS:

#### Item 1      Pants

Using microscopy, no semen was identified on Item 1.

### REMARKS:

Items 1.1 and 1.2 were not examined.



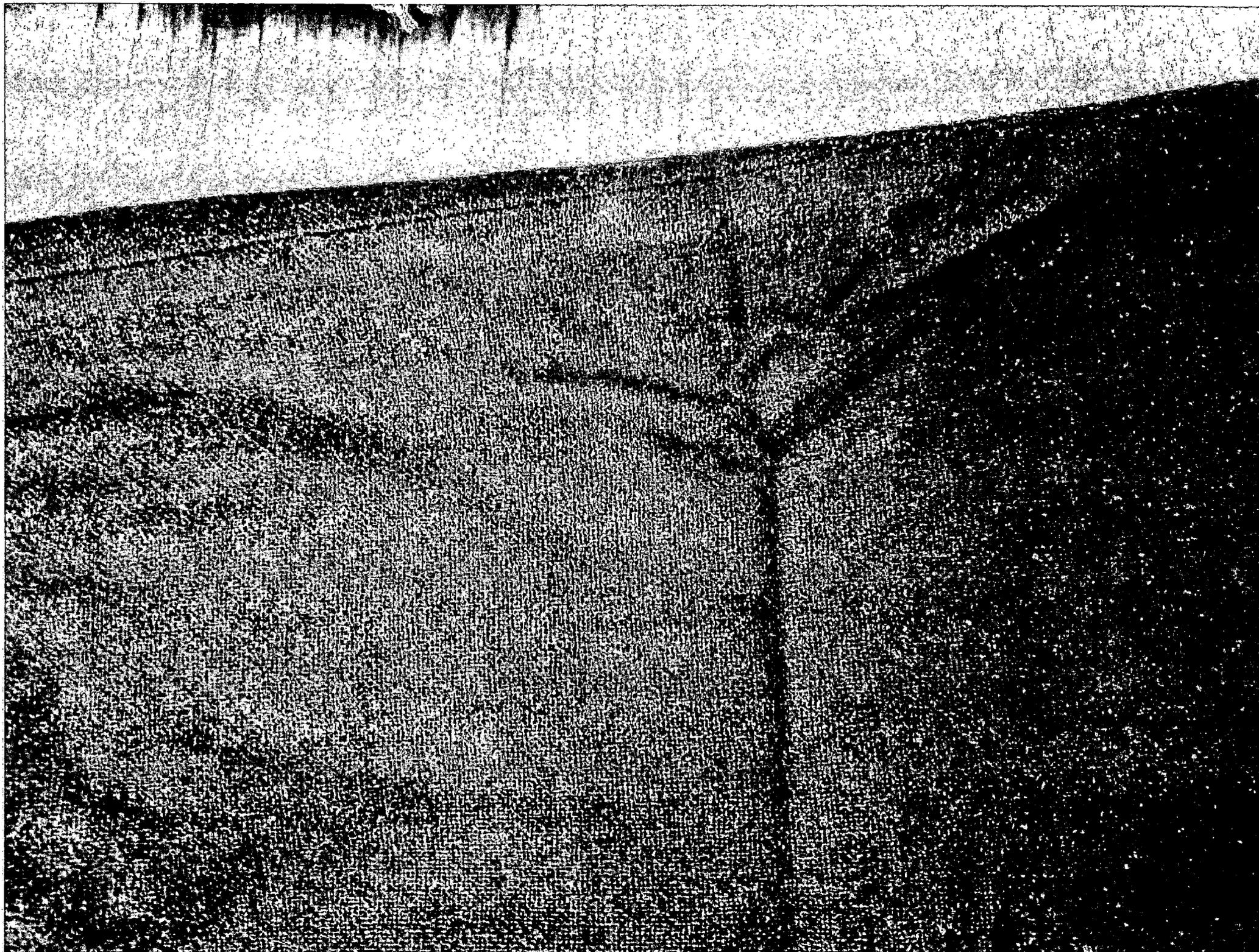


The submitted evidence and microscope slides are available for retrieval or return at the earliest opportunity. It is recommended that all DNA extracts be stored frozen.

Abbreviations that may appear in this report are: CODIS *Combined DNA Index System*; DNA *deoxyribonucleic acid*; FSI: Genet. *Forensic Science International: Genetics*; PCR *Polymerase Chain Reaction*; STR *short tandem repeat*; Y-STR *male specific short tandem repeat*.

Questions regarding this report should be addressed to: [timpetree@fdle.state.fl.us](mailto:timpetree@fdle.state.fl.us).







# EXHIBIT 9

in the former trial as State's Exhibit Number 8, we now offer them as State's Exhibit Number 3.

MR. AKERMAN: We introduce the same objection on the grounds that these pants were obtained by illegal and unreasonable search and seizure.

THE COURT: The objection is overruled. The proffered exhibit will be received and marked with the appropriate number.

MR. HUNTER continuing Direct Examination:

Q. Now, Mr. Yates, are there any smears on the front of those pants?

A. Yes, sir, there are.

Q. There are smears all down the side?

A. Yes, sir, there is.

MR. HUNTER: May it please the Court, I would like the jury to examine the pants, which have been received as State's Exhibit Number 3.

(At this point the pants were passed around among the jury.)

MR. HUNTER:

Q. Now, Mr. Yates, did those same smears which appear on those pants at this time, did they appear on those pants at the time you got them from Irvin's mother?

A. Yes, sir.

Q. And they appeared to be in the same condition as they were when used in the former trial?

A. Yes, sir.

Q. Now, Mr. Yates, I will ask you whether or not there was a pistol turned over to you in this case during your investigation?

A. Yes, sir.

Q. Did you find that pistol in that box?

A. Yes, sir.

Q. Who turned that pistol over to you?

A. Mr. MacDonald.

A. Well, either by the Clerk or some of his employees in charge of the evidence.

Q. All the time that you examined those casts and other exhibits, it was in the presence of the Clerk of the Court?

A. Well, I assumed that the gentleman was the Clerk; he was there in the room, he did not identify himself, but he handed the exhibits over to us.

Q. And was he present during the entire inspection?

A. Yes, he was; we were right there in the Clerk's office.

Q. Now, I believe you testified that you have had considerable experience in connection with the study and identification of stains on clothing and so forth?

A. Yes, sir.

Q. Now, Mr. Bennett, assuming that---

MR. BUIE: Will you please let him indicate how long he has been doing that particular phase of this work, he is setting himself up to be an expert, and he has only given us a general background.

MR. AKERMAN:

Q. All right, Mr. Bennett, will you please explain what you know and what your experience has been in regard to stains on clothing and so forth?

A. Well, the subject of stains on clothing is a scientific question, and is something that can be microscopically and scientifically determined, that is to distinguish between stains, and of course in the field of scientific criminology you have to have a broad general knowledge of every department, there are several different methods in which stains are examined, and the principal and proper manner to examine them in the field of criminology is to examine them

by microscope, and I wish to say here that I am not a chemist in order to determine exactly what a stain is in some cases, as to whether or not it is chemical, or blood or what, is often the task of a chemist, which I am not, but I do know enough about the general procedure of identifying stains to recognize when a particular stain or substance is blood or chemical or what, and I know enough to make a chemical analysis of such a stain.

Q. Now, in assuming in this case which is a case about an alleged rape, supposing it occurred between one a. m. and three fifteen a. m. on the morning of July 16, 1949, and assuming that a pair of pants alleged to have been worn on that night by one of the men charged with this rape, assuming that you took those pants, and obtained them, as they were obtained by the law officers between 11:00 a. m. and 3:00 p. m. the next day, sometime between that time, would it be possible for these pants to be examined, and if so what would be the recognized procedure so that it would be a positive identification scientifically as to the stains which would be found on those pants, and please tell whether or not it would be possible to determine whether a particular stain on these particular pants could be semen or something else?

A. Well, to establish positively under those conditions, you have these two classifications, you have a wet stain and a dry stain, and from the time elapsed as indicated in your question, it naturally appears that this stain would be a dry stain, and in order to determine whether or not there were sperm in the garment, you would have to operate under these conditions: you would expose the garment and the material in the garment to an ultra-violet ray light, because of the fact that there are certain fluorescent qualities in semen.

MR. BUIE: Name that fluorescent quality and tell what it is.

A. Well, it is a fluorescent substance, and when the garment is placed under an ultra-violet ray light, these little particles of fluorescent material will show up under that light; however, I will say this, that that is not a conclusive test, because of the fact that other foreign matter may have gotten into or on the material, or the cloth, and these other foreign materials might exude a fluorescent fire when exposed to the ultra-violet light, but that would enable the investigator to localize that portion of the garment where the specimen is being looked for, in order that the examination of the garment would be made in a specific locality, and that fluorescent light enables the investigator to distinguish or decide between rust spots and blood spot or urine or fecal matter and other materials of that kind, because these materials will not glow under the ultra-violet light as the others will which do contain the fluorescent matter, in other words by the location on the garment, the location on the garment is taken into consideration, and that indicates that it might be semen, then it is possible to take a stain of the material from the garment, and if there is a certain stiffness in the garment, then the investigator will proceed to prove that it is sperm, and this procedure is as follows: you take a small piece of material from the garment about the size of a quarter and place it in a test tube, and you mix it in with a quantity of distilled water, and then you shake test tube vigorously so that any sperm or semen can be released from the cloth, and then the cloth is removed from the test tube, and a portion of the distilled water is evaporated by holding the test tube over a Brunson burner, and then the investigator takes a glass slide and the surface of that glass slide is saturated or covered rather with this fluid which has been left in the test tube as a result of the evaporation, that is the substance which will sink to the bottom of the tube, that is removed with a

small swab or instrument, a sterile instrument, and placed on the glass slide and the glass slide is in turn allowed to dry, and then you can place it over a burner or wave it in the air to dry, and then the glass slide after the material has dried is placed in a solution of methylene blue and allowed to remain in the methylene blue for about ten minutes, which permanizes or sets permanently the material which has been placed on the glass slide. The methylene blue or what is sometimes called saffron is to allow the spermatozoa or sperm cells to become visible under the microscope, and after it has been allowed to soak in the methylene blue or saffron for ten minutes, then superfluous or excess methylene blue is wiped off of the slide, and the slide is washed off and a sterile piece of glass is placed over the specimen slide and then it is placed under a high powered microscope and if there is semen in the garment, it will be easily identified on the slide, because of the fact that the sperm cells themselves resemble very closely a tadpole, which has a head and a tail, and the head is about one-tenth of the length of the tail, and the fact that the slide has been put into methylene blue will enable you to easily identify the sperm cells if they were present in the fluid, because the methylene blue brings out the color of the sperm cells so that they can be easily distinguished, and sperm cells are easily distinguished from all other cells by those who are familiar with that kind of work.

Q. Now, Mr. Bennett, do you know whether or not the Federal Bureau of Investigation has a laboratory equipped with the necessary equipment to do this type of work?

A. Yes, sir.

Q. Do you know whether or not the services of the Federal Bureau of Investigation are available to both State and local law enforcement officials?

A. Yes, they are, for that purpose, that is the purpose they were created for, to serve local and State law enforcement officials in their work.

Q. And do you know whether or not there would be a sufficient time in which without any detracting of the stains on the clothes, to send an article of clothing to have it determined scientifically and unequivocally whether or not that stain or those stains on any particular garment were semen?

A. Well, I would say that if the garment had been sent within three weeks, the semen would have remained there, and could have been distinguished by using the process I have just described.

Q. And it could be shown conclusively whether or not it was semen on the garment?

A. That is correct.

Q. And you say a period of three weeks can elapse in which such a test can be conclusive?

A. Yes, sir.

Q. Now, Mr. Bennett, I am handing you here with a cotton handkerchief which has been received in evidence in this case as State's Exhibit Number 2, and ask you whether or not you are familiar with the recognized methods of comparing a garment or lint substance, which I am handing you, are you familiar with whether or not such materials can be compared to see whether or not they compare exactly with other materials, in other words, to see whether or not they are from the same source?

A. Yes, sir, it is.

Q. Now, assuming in this case that this article or piece of lint was found on a handkerchief hanging on a bush near which would ~~have~~ <sup>have</sup> been to the right of the car in which an alleged rape is alleged to have taken place, and assuming

and supposing that the automobile is taken into custody by the law enforcement officers, and supposing that automobile has articles of lint or cotton on the back seat, and floorboard, is it scientifically possible to compare those two pieces of substance, lint or whatever they are, and determine conclusively and scientifically whether or not they are from the same automobile?

A. Yes, sir, it is.

Q. Will you please explain that?

A. Well, two articles of cotton or lint or fabric of this kind can be compared to see whether or not they are the same material.

Q. Do you mean threads from pieces of cloth will be the same?

A. That's right.

Q. Then two threads from the same piece of cloth will be exactly alike?

A. That's right.

Q. All right, please go on and explain that to the Court.

Q. Well, any piece of cotton or lint or other such material or textile such as handkerchiefs and so forth are made of, will show on their surface, if they have been in use, they will be impregnated with many foreign substances, and by microscopic determination, it can be determined whether or not this material has been in use, and if this lint or cotton had been in the rear seat of this automobile, it is logical that such foreign substances as pollen from orange trees and dust and grease and other such particles would cling to the cloths and other substances which could be brought into the car through the car windows and passengers in the car could also impregnate this little piece of cotton with foreign matters in the car. If the piece of lint found at the scene

of the crime were of the same material that was in the rear of the car, if it were to be determined whether or not that were true, the method to be followed would be to take both samples into a crime laboratory and put them under the microscope, which is done as follows: then the two samples of material or cotton or lint are put in test tubes and left in test tubes and shaken until such time as all the foreign matters are completely removed. That process is done by boiling the test tube over a Bunsen burner, it is a boiling operation, until such time as evaporation is complete, which will leave all of your foreign materials in the bottom of the test tube, such materials being dust, and minute particles of soil, and these materials and particles are so minute as to be not visible to the human eye, but when they are microscopically examined by placing them on the slide and put under a high powered microscope, then you would be able to identify those foreign particles, that made up the dust that was contained in the material, and then if the chemical analysis from one portion of the material compared with the other portion, then you would have a positive conclusion that they were the identical same materials, that would be a conclusive and positive test. In other words, the material or lint found hanging on the bush at the scene of the alleged crime would be compared with the lint or cotton taken from the back seat of that automobile, and if they tested out identically, then you could be positive that it was the same material.

MR. AKERMAN: Then you say that that could be accomplished by taking the material or sending the material into a crime laboratory, such as the Federal Bureau of Investigation maintains in Florida, is that correct?

A. Yes, sir.

Q. And are those laboratories available for the use of State and local law enforcement officials?

A. Yes, it is.

Q. And as a matter of fact, there are such crime laboratories in Miami and its vicinity that are available for just such purposes that you have just outlined, both to State, local, and County officials?

A. That is correct. And as a matter of fact there is a complete laboratory maintained by Dade County and the City of Miami jointly, whose facilities are available to local officers.

Q. Now, Mr. Bennett, I believe you stated that you have experience in the comparison of impressions in casts made from those impressions, from impressions made by such things as footprints, shoes, and tires, is that correct?

A. That is correct.

Q. And you are familiar with the process of making casts of those impressions for the purposes of comparison with the actual shoe or tire, is that correct?

A. Yes, sir.

Q. Now, will you please explain what is considered the recognized method of such a comparison of a tire impression in the ground and a tire on an automobile, for the purpose of identifying that automobile, in order to see whether or not that was the tire that made the track, will you please explain the recognized method used by the F. B. I. and other enforcement officials?

A. Yes, sir, I will.

Q. Will you please explain to the Court and the jury in detail just what that operation and procedure is?

A. Well, when a well trained expert in this field of scientific crime investigation, discovers a tire mark or a footprint located in the ground, before any effort is made to make a cast of those footprints or tire marks, photographs are made, with a panchromatic camera, and that is

done as a precautionary measure because in some instances an attempt to make a plaster of Paris cast is a failure; for instance the expert might misjudge the character or consistency of the soil in which the impression is made, or the impression might be altered or obliterated by someone walking over it, and that reason photographs are taken to preserve the integrity of the impression, in order that it can be easily available should anything happen to the actual imprint.

Q. Now, Mr. Bennett, what do you mean by preserving the integrity of an impression or a track?

A. Well, there are various circumstances under which a tire mark can be left on the ground, and it is absolutely essential for the benefit of the Courts and the juries that the minutest details in the tire tracks or footprints be preserved for presentation in Court, and that is necessary because it is a comparative process which you are going through when you are trying to match up casts with footprints, and therefore it is logical that no one no matter how meticulous he may be, he is going to always get a good reproduction, and in order to preserve the record for the Court and the jury it is essential that some material be used in the casting of the track which will preserve the integrity of the track, so that when the investigating officer is making his cast there will be no possibility of there being any alteration of the actual imprint itself, and this is the way it is accomplished, first by taking accurate photographs of the impression at the scene of the crime, and also that photographs be made of the immediate locale, showing the relation of the tire prints or the foot prints to the immediate surrounding terrain. In making these photographs, it is essential and necessary, and in so doing it is necessary and essential to place a screen or square of some type of material immediately adjoining the impression in the ground, in order that the investigating

officer may be able to inform the Court the degree of accuracy used, and also point out to the Court the degree of distortion of the impression if any, and also to be able to point out to the Court the elevation and construction of the imprint, and also a square of some type of material is used in order to be able to show the elevation or angle from which the photograph was made. Usually a six inch square is placed by the footprint in order to show the comparative size of the foot print, and sometimes an actual ruler or tape measure is used for the same purpose, and this measuring technique is effective in order to be sure that there is no confusion about the impressions, or--and to show there has been no alteration having taken place before the casts and photographs are presented in the Court Room, and after all of these photographs have been made, then the soil composition in which the imprint was found should be thoroughly and carefully studied to determine which type of fixative should be employed on the tire print or foot print to bind it so that you can be certain that no alteration has taken place in the impression, and this fixative is used before the plaster of Paris is poured and for this purpose you can use such substances as bees wax or parafin or shellac, or what other fixative preservative you want to use, and it is customary to use shellac in a ratio of one part shellac to ten parts of alcohol, and commonly a small spray gun is used from an elevation of about three feet, to spray in the material so that no malformation or disfigurement of the imprint will take place, to break up the impression. The shellac is allowed to remain in the impression generally until such time as the shellac solidifies and you have a reasonably rigid impression before you put in the plaster of Paris, and after the shellac has solidified, there is no possibility that the impression will be altered in any way before the plaster is put in, and after you are

certain that the cast has been properly fixed, a mixture of plaster of Paris and water should be carefully poured in, so that it does not contain any air bubbles, and as a matter of fact the plaster of Paris solution should be introduced into the impression either with a ladle or a spoon, and this should be held about three inches above the cast, so that the weight of the plaster of Paris does not destroy or alterate the print itself, that you are attempting to mold. After the entire surface of the impression is filled with plaster of Paris solution, then the cast should be reinforced by the use of some light material, and the average investigator will use a tongue depressor, such as doctors carry in their cases, and these tongue depressors or other slivers of light wood are placed into the mold, but are not permitted to extend out over the edge of the mold, and the purpose of these reinforcements is to make the cast more strong and rigid, and if tongue depressors are not available, then any strip of paper, almost any kind of reinforcing agent may be used, and after the mold has been reinforced in that manner, then the expert investigator would take steps to see that the total cast is of a thickness of about one inch, and then the plaster of Paris solution, together with the reinforcing agent, is allowed to solidify for a reasonable length of time, and it should be carefully noted that a sufficient period of time should elapse before the cast is actually removed from the mold, and then it should be carefully removed and preserved, and if for instance you are taking the cast of an automobile tire impression, then the cast should be taken to the suspected tire, and the cast should be put in the possession of the enforcement officer in charge of the investigation, and then the cast should be carefully and thoroughly studied, in comparison with the actual suspected tire, and furthermore the suspected tire treads should be studied with a magnifying glass to determine the characteristics