

# TWISTED JUSTICE II

## PREMEDITATED INJUSTICE PROSECUTORIAL MISCONDUCT



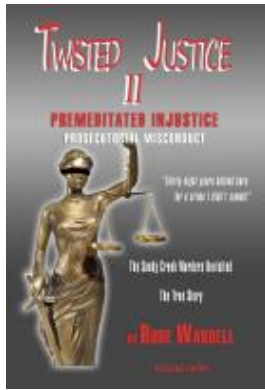
*'Thirty-eight years behind bars  
for a crime I didn't commit'*

The Sandy Creek Murders Revisited

The True Story

BY **RUBE WADDELL**

KEEPSAKE EDITION



*Premeditated Injustice happens when a prosecutor takes action before trial date, which poisons the public, the potential jurors, and the judge with extreme bias against the defendant. When the prosecutor intentionally attempts to precondition the public and the jury, he is engaging in prosecutorial misconduct. This book depicts a case in point where the defendant, David Monroe Goodwin, lost his freedom for thirty-seven years for a crime that he didn't commit.*

## Twisted Justice II

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# TWISTED JUSTICE

II

## **PREMEDITATED INJUSTICE**

Prosecutorial Misconduct

The Sandy Creek Murders Revisited

The true Story

Rube Waddell

*KEEPSAKE EDITION*

***TWISTED JUSTICE II*** is a work of non-fiction. Some names and identifying details have been changed.

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This is the History of Case Number 77-708, State of Florida vs. David Monroe Goodwin, commonly known as The Sandy Creek Murders, which happened in the back waters of Bay County, Florida, within the jurisdiction of the 14<sup>th</sup> Judicial Circuit of the State of Florida. This is a non-fiction true recount from court transcripts. The two fictional characters introduced in the original book, 'Twisted Justice' were also used in this book for continuity. All other dates, names, events, and locations herein reported are factually true!

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## **CHAPTER XIV**

### **DEFENSE ATTORNEY CLOSING ARGUMENT**

The Attorney for the Defense, Mr. Michael Mann, starts his closing argument in the Case State of Florida vs David Monroe Goodwin on the Charges of Kidnapping and Premeditated Murder in the First Degree of Sheila McAdams age 16 and Sandy McAdams age 14, and 21 year old Douglas Glenn Hood. Final Arguments started on Saturday morning May 28, 1978. Defense Attorney, Mr. Michael Mann, is speaking to the jury.

#### Michael Mann's Closing Arguments

“As to the precise facts and circumstances involved in the kidnapping, only three people are knowledgeable and aware of what transpired between...ah...to the points...and the conversation...and otherwise...between Charlie Hughes, Walter Steinhorst and David Goodwin. This case is based solely on circumstantial evidence and the defendant must be believed if the prosecution doesn't prove his case beyond a shadow of doubt.”

“David Goodwin is before you charged with indictments for three counts of murder in the first degree. The prosecution has indicated it wants him put to death. You must be the judge as to whether or not the facts...as you have learned them...show David Goodwin to be guilty of murder in the first degree. Come...let us reason together and examine as reasoned dispassionate people...if we can...what the facts are.”

“Your involvement began when you took an oath to impartially and fairly, and justly, decide the facts and apply the law, to render a fair and just verdict.”

“The issue is whether or not the State of Florida has proved to your satisfaction that he is guilty. It starts out with his presumption of innocence. And that lives with you until you get this abiding belief and conviction that he is guilty, beyond and to the exclusion of every reasonable doubt. If you don't have that, he is not guilty!”“If you equate the facts that you have as being testimony of all the witnesses, and the truth is lying within the testimony...then it's your job to sift through those facts and to try to weigh, scientifically, dispassionately...to try to find out the truth as it relates to the guilt under our system of laws, of David Goodwin.”

“David Goodwin drove by the Steinhorst location with intentions to get away, but turned around and went back to the Steinhorst location.

Steinhorst asked, “Was that you that just drove by”? David Goodwin answered, “Yes”. David didn’t want to go there because he knew that Steinhorst had three people there. Steinhorst said to David Goodwin...”If you mess up again, I’m going to blow your head off”. David Goodwin had seen the results of Walter Steinhorst pulling that trigger. Now was it reasonable for David Goodwin to believe that if he messed up again that Walter Steinhorst would kill him. I think common human knowledge would dictate that under those kind of circumstances, it’s reasonable to believe that Walter Steinhorst would have killed him if he had not done what he said.”

“He drops the rope at Steinhorst’s feet and goes back after Charlie Hughes. When he gets down...it is not clear just where Charlie Hughes...whether was he on the shore at the time...or whether he was out on a boat coming back, or just exactly how he came up...he got with Charlie Hughes and drove back up there and left Charlie Hughes up there. Now you will recall, he drove up there...he and Hughes got out of the truck...Hughes went up and spoke with Steinhorst...David started to leave and Hughes said, “Wait a minute”. Am I going to be the next one to be put into the van, that’s what David thought. He had messed once...three times...three times Walter Steinhorst sent him out after Charlie Hughes and it took him three times to get him. Was it reasonable for him to believe that he might be the next one to go into the back of that van. Apparently Steinhorst knew that David Goodwin knew these people...there had been some talk about recognition apparently...if anybody was a weak link out there for Walter Steinhorst... this is the...oh...the five times I mentioned recognition before...the people who were in the van were known to David Goodwin...we told you that he knew they were going to be dumped...inaudible...that they were a weak link and David Goodwin had backed away from that circumstance...with Walt Steinhorst knowing he knew one of the people...who do you think Walter Steihorst would come looking for to make sure nobody else had any knowledge about who was there...it was going to be David Goodwin who Walter Steinhorst was going to be looking for...and David Goodwin thought he was going to be put in the back of the van right then...and go with them. Was that a reasonable belief for him to have under the circumstances. Walter Steinhorst had already pulled the trigger three, four or five times that night...one man was laying there dead to prove it.”

“As we come on down this chart, I’m going to try to move along a little quicker...I know it’s getting to be long...but forgive me if I seem to be

boring you...cause there is too much involved here for me not to try to cover all of it.”

“If anybody at all, knew what happened where those truck were...where the van was...between Steinhorst and Goodwin and Hughes...it wasn’t Bobby Joe Vines...it wasn’t Lloyd Woods...and nobody else was up there but David Goodwin...it has to be David Goodwin...and why is that important...because I think the judge is going to tell you a few things about the law in a little bit...I am going to go over those things with you and you are going to find out...that is an important fact.”

“Item thirteen...that’s a good number for item thirteen...Steinhorst was cold bloodied. Did Bobby Joe Vines say that...yes sir Bobby Joe Vines said that...Did Lloyd Woods say that...Lloyd Woods said he was cool...like an ice man...Steve Lukefahr...yep he thought he was...David Lukefahr...yep he thought he was...Tom Lukefahr...yep he thought he was...Billy Epperson...Billy Epperson is petrified...you know Billy Epperson the last witness we had on the stand one day...absolutely petrified of Walter Steinhorst...he was one of those four weak links back at the farm house...when Walt Steinhorst said, “I took care of four and four more won’t matter...that was Billy Epperson...who were the others...the way Vines skedaddled out of there...it is obvious by then to Steinhorst... he was a weak link...he knew David Goodwin claiming he knew the family of one of the victims...David Goodwin was a weak link...Billy Epperson was a weak link...the only other person that was there was Lloyd Woods...Lloyd was the fourth...we don’t know who the fourth one was...but we knew there were three weak links right...right there...”

“David Capo was never back at the scene...on the ground...that we can tell during the night...you will recall with his lawyer here in the court room...all he testified to was what happened several days after the fact...he wasn’t about to tell you what his involvement was and what happened down there...but he did say Walter Steinhorst was a cold bloodied man and I know you remember that because he was afraid and he wasn’t even there to fight and you can tell...David Goodwin says he was cold bloodied and Mr. Jones has appropriately called Walter Steinhorst cold bloodied...take it because Walter Steinhorst was a cold bloodied man...”

“Next item...Was David Goodwin scared? This is interesting when compared to the one above it...Walter...excuse me...Bobby Joe Vines said David Goodwin was scared to death, panicky...more so than he would have been just because they were involved in this drug operation...after he had

made that first trip up there...not before but after...Lloyd Woods said David was scared to death...Steve Lukefahr said David was scared to death...David Lukefahr said David Goodwin was scared to death...Tom Lukefahr said he was controlled under the circumstances...I don't know what that means...because it does not fit with what everybody else was saying...including his brothers who were there with him at the time...Billy Epperson said David Goodwin was scared to death...Steve Long who came back on shore...said David was still scared to death ...even after the boat...the big boat...had pulled off and the van was gone...he said David was still scared to death...and David Capo testified David Goodwin was petrified of Walter Steinhorst...every witness...including David Goodwin...and I did not put a check by it...still Tom Lukefahr...cause I didn't know what he meant by that...everybody said that David was upset...Tom said he was controlled...but at any point in his opening argument did Mr. Jones ever tell you that David Goodwin was scared to death...and acting out of fear in those circumstances...No sir...He was in control...he wasn't scared...I submit to you that he was scared to death of this cold bloodied man here...who had killed Sims...and later would kill Hood and the two McAdams girls...that is interesting by its omission...in comparison with the inclusion of these other factors...Goodwin got sick...I don't recall...it may have been Bobby Vines talking about David getting sick...but I don't recall that...if you recall that he did...then he did...I don't recall Lloyd Woods saying anything about him getting sick...again if he did he did...but I do recall that Steve, David and Tom Lukefahr and Billy Epperson all testified as to how really wretching sick David was when he came back that last time...and another person testified as to how wretching sick he was and that was David who told you that when those doors closed on that vehicle...slammed closed...with Charlie Hughes in that truck sat down on the seat...at that point in time David Goodwin realized just how cold bloodied Walter Steinhortst and Charlie Hughes were... and it made him sick to his stomach because a good friend's brother was going to die...and it wasn't anything he could do about it...David Goodwin got sick..."

"Now these next two are interesting...I have checked that Vines, Woods, Stephen Lukefahr, David Lukefahr, Tom Lukefahr and David Goodwin, Mr. Jones and myself...we all agree and Mr. Jones has stipulated that the distance from the truck site to the loading site was a mile and a half. When we compare the sound of weapons firing or guns firing and the ability of that kind of noise to carry with the ability of voice even a shouted



voice carrying...it is interesting...even though it was a mile and a half away...the one man that saw David with a gun and took the gun from him was the only man who heard female voices...I don't think that is very credible...based on all the facts and circumstances that you have to consider from the witness stand...a mile and a half...(long pause)...I think that...I think that was there...because that was there...what I mean by that is...I think the voices were heard because they were supposed to have been talked from the woods...but nobody said that..."

"Now the judge is going to tell you about witnesses and the credibility of witnesses and what you got to believe and what you don't have to believe and how you can put things into perspective and choose to believe this and choose to disbelieve this if you think that under the circumstances it is less than credible...Listen to that part of the instructions and by the way I anticipate you will be given written instructions to take back there with you...don't isolate on individual instructions...when you get back there and start considering the law...Read it all together and make it all fit as best you can."

"Now...this witness will say...he testified to a very few things...each of the Lukefahr's had only certain things they testified to...Steve Lukefahr testified to Steinhorst being cold bloodied, Goodwin being scared, Goodwin being sick and it was roughly a mile and a half on the road to where the van or any truck was and he heard shots fired...I frankly think that based on all the other evidence and its more favorable to a verdict of not guilty than it does to a verdict of guilt...because he didn't know what happened...all he did know was that David was scared to death of the man and he was sick because of it. He didn't hear voices and he was right there where his brother was...David Lukefahr exactly to the same set of circumstances...Tom Lukefahr added the gun and added the voices...those were the first three men that broke this case open by to Mr. Jones...Steve Long before being arrested made a statement...but the three Lukefahr brothers who were convicted...I don't mean to use that word in a legal or technical sense because the judge instructed or commented on the fact that while they have their cases pending appeal, it was not technically a conviction but they were found guilty in federal court of being involved in a drug smuggling operation while other people were found not guilty...including David Goodwin...but these three people who were found guilty in federal court were given the contract type of immunity or the agreement immunity between the State's Attorney's Office and themselves...it was important that they testify to avoid any possibility of a

murder trial in State court. I don't know where that came from because there are no other factors to support it...I don't know where that came from because there are no other factors to support it... and I don't know where that came from at all because there is nothing...nobody said anything about that."

"Alright now...let's go down to what happened including the four things...if anything at all is incriminating...it's got to be that...with respect to David Goodwin...and these did not occur with respect to his direct one on one personal relationship with Walter Steinhorst...here they talk about...here I'm going to call it the car wreck incident...where Steve Long said David Goodwin came to him and said to him that things were under control...and man you've got to settle down...just think of it like it was a car wreck and they are just gone...David said he didn't say that...Steve Long said he did say that...I don't know whether my client was lying or not...I don't know whether Steve Long was lying or not...but even if he did say that...and he was mistaken about saying "I didn't say that"...I want you to examine this if you would...this incident occurred an awful long time ago...David in his idle time in jail...spent eight months...worrying about this...trying to figure it out...and these dozen people standing around a street corner and they see something...hear something...and they begin to think about it...the more they think about it the more they become convinced that what they saw in fact was what they saw...at that's true for each one of the twelve...but that doesn't mean that what in fact did happened...was in fact was what they saw because we see things...all of us through these rose colored glasses that the good Lord gave us...you know our minds control what we see...not our eyes...the facts...the factors that affect our minds affect what we see...that's just common human knowledge...that you have to define to these circumstances...assuming that David said it...David by then...this happened I believe a couple days afterwards...David by then had found out what Steinhorst had done to these people and there was nothing he could do about it...he was still scared to death...he had been involved in the drug operation down there and was scared about that...what kind of factors would prey on a person's mind to encourage them to say there was nothing I could do about it...my God I'm going to explode if I think about it...just think about it as a car wreck and they are gone...maybe it will help me get through this a little bit and that was what he was apparently trying to tell Steve Long what he said...and I don't know whether it was or not but does that prove to you even if he did say it, does that prove to you that he voluntarily and knowingly participated

in this kidnapping...No it does not! It does not prove that...it proves that he had knowledge of what happened and that he was upset about it and he was trying to figure a way to cope with it...that is all that proves! It does not prove that he was guilty.”

“Next...that he was recognized and he was glad...that has to go along with the next one...that he helped carry the bodies around for two days...both of those things came from David Capo...and that...that causes some more problems...you will recall...David Capo was on the witness stand and he was testifying...and Mr. Jones examined him...and he took a little break and he got back on the witness stand and Mr. Jones says...Mr. Capo...do you know what the penalty for perjury is in a murder case...it is life imprisonment...Before the break David Capo said I’m not sure...I’m not sure who said what. David Capo is one of those who were convicted in Federal Court...found guilty in Federal Court...have an appeal pending...that’s why he wouldn’t testify...remember...had a lawyer here...before the break he wasn’t sure what had happened and he wouldn’t talk about anything...that happened that night or before...but after something happened afterwards...upon being reminded that the penalty for perjury is life imprisonment...he just simply prepared to say yes sir...he said he would be recognized and glad they were dead and that they were carrying bodies around in the van for two days...I’m going to submit to you, that was never said...just like David Goodwin said it was never said...because there were no bodies carried around for two days...if you will recall...everybody talked about the farm house...said that they went back there...some of them on Monday night...some on Tuesday night and the van was already back and the people had been disposed of. That is a figment of David Capo’s mind. David Capo was facing murder charges in Bay County. In the circuit court of the 14<sup>th</sup> Judicial Circuit and those charges were dropped...and now he said ...Yes! I think now after you reminded me about perjury that David might have said...He was recognized and he was glad and they carried those bodies...that is absurd!”

“The last statement...that I have down here as being an incriminating statement for David is that Woods apparently said that David said something to him about they are going to be taken down south...given some money...tied up in the woods...something...and let go. In questioning, both by myself and Mr. Jones, Mr. Woods didn’t know whether David said Walt’s gonna do that or we’re gonna do that...he just did not know...how it was said...and to whom it was said...that’s interesting cause if you recall Bobby Vines testimony...Bobby Vines

testified that he and David tried to talk Walter Steinhorst into turning them loose...give them some marijuana...give them some money...and let them go...What that sounds like is that David was apparently still trying to talk Walt Steinhorst into letting them go..."

"Regarding these statements...did the witness say it...or did I say it ...or did Mr. Jones say it...that either of us said it so often that it just seems like maybe that is what the witness said...ask yourself those questions as you start thinking about the facts...and do your best to recall what the facts were that you actually heard from the witness stand..."

I hope that when my child comes to me and I look into his eyes and I see something in his eyes that bothers me I don't immediately decide...what have you done wrong...rather I look to my child and say to him...what is wrong...what has happened...and ask him to explain it...without immediately deciding that my child has done something wrong...without even have heard it...from him, from others, whatever other source. There wasn't a trial down there that Sunday night and it seems facetious to compare this proceeding to what went on down there and I'm not going to be facetious with you...but anytime it gets to the point of looking into some body's eyes and saying you are guilty from 'A' to 'Z' without...it's one thing to say let's reason through this thing and then jump from 'A' to 'Z'...and that is what Mr. Jones is asking you to do. He wants you to assume a lots of things that...ah...true...I brought a chart in here to use for only one purpose, I've been out of law school seven years now and I've still got an awful lot to learn but that chart was not meant to be some kind of trick...if I got an 'F' on that chart and it meant something to you in trying to help you understand the facts...then fine and dandy...give me an 'F' on that chart but understand the facts because that was what it was all about. I tried to simply say these witnesses, on the top of the chart, in an order that you could see 'em and understand 'em said these things...down the side of the chart...are there any areas in this case that creates any problems we can see...that's all I was trying to do. I'm not asking you to skip from 'A' to 'Z' without considering the facts. I'm not asking you to just walk right back into that room back there...and say David Goodwin is not guilty...and walk right back out...because I would be shirking my duty as an officer of this court to ask you to do that...and...I think shirking...ah...it would be shirking your duty for you to just walk in there without further consideration and do something like that because you are sworn to consider the facts. Go back there and talk over what you have heard and seen...and the law...you are going to have the law with

you...this is one of those very few cases where you can carry the law back there with you and refer to it and read it...and if you got any questions about it...you can come back in here and ask the judge to explain the law to you if he can. You are going to have to remember the facts though...He cannot explain the facts to you. "You got to recall the facts!"

"I recall hearing within the last two hours the comments to think about what a reasonable person would do out there under the circumstances. That's the best thing I've heard in the last two hours. Think about what a reasonable person would have done under those circumstances. Did David Goodwin need to tell anybody that he was threatened...to be threatened? Did David Goodwin need to say to somebody...I'm scared...I'm threatened...what he can't talk...he is upset...he's visibly upset...his demeanor has changed! Is it necessary? How many times has a loved one come up and put his arm around you and you looked into their eyes...and not a word needs to be said...but you knew they loved you! What circumstances told you?"

"For David Goodwin to be guilty of murder in the first degree or of any crime as a result of the acts done by Walter Gale Steinhorst, he's got to 'aid and abet' just like Mr. Jones says...but Mr. Jones didn't tell you all of that instruction...that instruction that the judge is going to give you is going to say this...For one person to be guilty of a crime physically committed by another...it is necessary that he had a conscious intent...that the criminal act shall be done. That means before the criminal act is done! Grammatically... 'shall' speaks to the future and that pursuant to that fully formed conscious intent...pursuant to that intent that he do some act or some word which was intended to and which did incite, cause, encourage, assist or induce another person to actually commit the crime."

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Beth Ann, like a friendly ghost, appeared in Marty's doorway to his office. She was silent and waited for Marty to look up not wanting to interrupt his reading.

Marty stopped reading and looked up. Showing no surprise but totally engrossed in his reading. He says matter of factly. "What needed to be done right here is for the Defense to repeat the same words again and offer more explanations. He has to wake up the listeners and then tell 'em...tell 'em what you've told 'em...and then tell 'em what they just heard. He should have made certain they heard and understood. Do you think he did that?"

*TWISTED JUSTICE II*

Beth Ann easily understood his complete involvement with what he was reading. "Hello Mr. News editor." She nodded her acknowledgement, walked in and sat down. "That's not at all why I am so hung up on this case. The Defense counsel did a fair job. He was facing an experienced illusionist in hiding the truth. Keep reading." She wanted Marty to complete the reading before they began discussing it.

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Marty continued reading. "When was that kidnapping complete? When was it complete...when they were taken into custody and then liberties restrained...and they couldn't go about their way...and when did that happen? It happened when Walter Steinhorst shot and killed Harold Sims and put those three people in the back of that van...that's when it happened and David Goodwin wasn't around there! That's when the aiding...assisting...there wasn't anything else anybody could have done at that point...nobody...because Walter Steinhorst had already killed Harold Sims and he would kill anybody else that stood in his way from removing the evidence at his ground! Did David Goodwin do anything to incite Walter Steinhorst into kidnapping...no sir...he had already done that...did he do anything to cause it...no sir...he was somewhere else. Walter Steinhorst had already taken them into custody. Did he encourage it? He couldn't do anything to prevent anything that had already been done...so he tried to talk him out of it...according to Bobby Vines they talked about marijuana, money...so he certainly didn't encourage it...Did he assist...hearing the testimony...he took rope back up there...that's true...and it was Walter up there...do you remember what he told him...he didn't throw the rope down at Steinhorst's feet...and challenge Walter Steinhorst...Walter Steinhorst held that rifle on those people and turned the gun on David and said..."was that you that just drove by here?"...turning the gun at him...David dropped the rope at his feet! Now was that assisting...no ladies and gentleman that's was not assisting...or did he induce... cause...Walter Steinhorst to do that?...to kidnap those people?...No way can it be said that anything David Goodwin had done up to that point caused...or induced Walter Gale Steinhorst to do that! It just ain't so! And there is no evidence you can find that he in any way...aided, abetted, helped, hired or otherwise procured the commission of the crime because the crime had been committed by Walter Steinhorst before he got there...and that seems to be overlooked sometimes...and I don't want you to overlook that when you go back to deliberate."

“In Russia this would all be over by now. Why I like that statement...I really like things done. That’s why we aren’t in Russia! And we better all thank God we are not in Russia...so that where there is more opportunity to present your side of what happened... to a jury of your peers and let them decide your guilt or innocence. David Goodwin would already be executed by now...even though he is not guilty under the law...in our country he is not...he would have already been executed.”

“What in the world does that mean? In what context did he have been said...but that three people have been murdered...that’s tragic...there is nothing I can do to tell you how tragic that is...but that doesn’t mean a fifth person is going to have to be killed because of it. That statement is meant to suggest to you that all of this is a waste of time...if you feel that way...that some people feel about our system of justice...then we are in trouble...we’re in bad trouble...and it ain’t because of what goes on at the Sandy Creek’s that we’re in trouble if that’s what our system is coming to.”

“If I have misstated, as read back to you, correct it! Decide this case on the basis of what the law is. As you go back in that jury room to deliberate...and that door slams behind you...the situation you are going to face is going to be entirely different...than the situation that David Goodwin faced that night when he saw that door slam shut on that van...Yet the issue is still could be life or death in a very real sense. You will have the time to give a special, logical and scientifically consider the facts that you heard...and circumstances that existed that night...not going to know anything at all and it might take you several hours for you to decide whether or not the decision David made in not running away was reasonable under the circumstances...that instruction that is going to be given to you must not say that you must escape...it must say that he had no legal opportunity under the circumstances to do anything differently than he did. With the knowledge that exists as a result of the testimony on the witness stand and the fact that what had already happened with respect to that kidnapping that had already happened...there was nothing he could have done to have changed it...there was nothing anyone else attempted to do could have changed it...David Goodwin sits here for not changing it. You have all the time necessary that you need to decide if David should have run away...if David Goodwin should have done anything differently than he did. What with all the chaos...and with all the problems that were down there and everything else. What it all boils down to is human beings make human mistakes. You are going to have the benefit of

time...law...and the opportunity to reason with each other. David Goodwin didn't have the time to reason with anybody."

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Marty finished his last page of reading the trial transcripts. Beth Ann had appeared in his doorway at just the right moment. He looked up and thought this had to be a predetermined alignment of the stars. He was all smiles.

She spoke first. "Hello Mr. News Editor. How's your day?"

Overwhelmed by the timing, he answered. "It's fine. I just finished all your pages."

"Well...What's your verdict? How was the reading?"

Marty nods at Beth Ann. First searching her eyes and then searching up her entire body. She was the same desirable, adorable, happy woman he wanted to marry over thirty years earlier. She absorbs his stare and slyly nods with an approving smile.

"So...What do you think?"

Marty tries to be convincing and authoritative. "I don't know how this jury came up with the verdict that we now know was guilty. I'm going to say it again, this prosecutor won with confusion, deception, obfuscation, and untruthful facts. He manipulated the trial for this outcome. He has been confused or purposely confusing the jurors on the true happenings, especially regarding David's trips back and forth to the Steinhorst location. He told the jury that David was guilty or he wouldn't be trying the case. The judge told the jury to disregard the statement...but how can you unring a bell. In his closing he tried to prove that David had intent and voluntarily assisted in the kidnapping. That was not true and the Defense challenged that, obviously the jury wasn't listening or had their minds made up. He over and over tried to imply there was a forty to forty-five minute time lapse. That was untrue and he never proved that statement. The entire prosecutor's case was horribly flawed. It is my belief the prosecutor introduced perjured testimony, and I further believe the jury did a horrible job in deliberating their decision. This is what I refer to as prosecutorial misconduct and premeditated injustice. I am just a mediocre editor of no importance but that is my thinking."

"Also...the prosecutor on cross examination of Goodwin really did a number on Goodwin. He did his best to rattle Goodwin by giving him quick questions and then giving him another question before he had a chance to



answer, repeating the questions over and over! That was wrong and that was badgering the witness.”

“The prosecutor then tried to purposely confuse the jury by saying such things as...why would your friend Woods say those lies about you...the same for Capo...why would Mr. Capo tell those lies about you...even to Steve Long...why would your long time friend Steve Long tell those lies about you. None of those people said anything even close to those inferred lies about Goodwin. Then he wanted to know why Steinhorst picked him out of all the remaining sixteen others... and Steinhorst never picked Goodwin out for anything. I’m going to repeat myself. This kind of lawyering is prosecutorial misconduct...and he got away with it. I truly feel sorry for Mr. Goodwin. He got the shaft straight from an Attorney representing the State of Florida. The worst part is...the people elected him! The consequences coming out of this debacle were the unwarranted conviction and the loss of nearly forty years behind bars...for this man...Goodwin.” Marty was shaking his head in disbelief!

Then he blurted out. “Let me say this about the judge. I read him as being biased against the defendant and helpful toward the prosecutor. That came through very strongly! Either, the Judge and the prosecutor were old buddies or the Judge had seen his better years in the past or the Judge just didn’t give a shit. The Judge, due to over indulgence toward the prosecutor, never had control over his own courtroom.”

Beth Ann had to say something. “Marty, you are truly amazing. You can read. You understand what you read. You have an uncanny ability to grasp the printed words. Your mind is quick and your persona is what I was looking for in a co-author. This book is going to be great and will wake some people up. Any success we have, will be because you had a hand in it. I thank you so...so much.”

“Don’t thank me yet. We’ve got to get this published. It might be that publishers will consider it being old stuff and won’t accept the manuscript. Hell...they might not even answer a query letter. But...we’ve got to give it our best shot. David Goodwin deserves that and deserves another chance at life. Maybe we can make that happen.”

Beth Ann speaks. “Why don’t we meet at Nipper’s tomorrow? I’ve completed the chapter on the verdict and I want you to read it and be very harsh with your criticism. I want that to be the best chapter yet.”

“OK...Nipper’s is it. Let’s have lunch there...around 1:00 pm...OK?”

## **CHAPTER XVI PREMEDITATED INJUSTICE**

In most Court Houses and particularly in Court Rooms you will find some symbol of Justice. Whether it is a statue of Lady Justice or of the Goddess of Justice, it is there as a symbol of fair and equal administration of the law, without corruption, avarice, prejudice or favor. The statue is draped in a flowing robe, carrying a sword and holding the scales of justice. In the western world this symbol will have her eyes closed or blindfolded. You will never find this symbol with the scales unbalanced. There are over three hundred images of this symbol of justice and not one is displayed as unbalanced. Yet in Florida's judicial process the scales of justice representing capital cases are undeniably unbalanced. In the State of Florida does Justice or Injustice prevail?

The touchstone of our judiciary is the presumption of innocence, "Innocent until Proven Guilty". According to the U.S. Supreme Court, the presumption of the innocence of a criminal defendant is better described as "an assumption of innocence that is indulged in the absence of evidence to the contrary". In practice, a criminal defendant is presumed innocent until the government proves the charges against the defendant beyond a reasonable doubt.

Aside from the requirement of proof beyond a reasonable doubt, the presumption of innocence is mainly symbolic. Nevertheless, the presumption of innocence is essential to our criminal judicial process. The mere mention of the phrase 'presumed innocent' is supposed to keep judges and juries focused on the ultimate issue which is proof beyond a reasonable doubt. 'Proof beyond a reasonable doubt' is where the balance of justice remains symbolized in the courtroom by Lady Justice. The presumption of innocence is the fundamental protection an accused has for a fair trial until the prosecutor proves the accused is guilty. This should mean that if you did not commit a crime there is no one that can possibly prove you committed the crime. In some countries an accused is assumed guilty until he proves his innocence. In these United States the presumption of innocence should and must continue to prevail. However many prosecutors hold the defendant guilty until he proves his innocence.

The presumption of innocence, however, is no longer the basis of our judicial system. There are many reasons for this and they all hinge around the prosecutor and his actions. First off the prosecutor is a politician. He was elected to his office. His standards are considered local standards

representing local law. While in office he is often called upon by prominent citizens to dismiss charges, hide a criminal act, and receive contributions to do the donor's bidding. We, the public, like to believe we have chosen a reasonable man with reasonable intentions to be seated as the elected State's Attorney. We expect him to be zealous in prosecuting criminals but worthy of enough integrity to know when not to prosecute a non-criminal. Sometimes this is not the case.

In the case of the Duke University Lacross Team three members of the team were accused of raping an African-American dancer hired for a party for the night of March 13, 2006. Three team members, Reade Seligmann, Collin Finnerty, and David Evans were charged with rape, kidnapping and sexual offense. The lady making the accusations was believed without questioning. Two of the team members had an unimpeachable alibi which was ignored. This act is hiding exculpatory evidence and is prosecutorial misconduct. The District Attorney made a rush to judgement, engaged in pre-trial publicity, withheld exculpatory evidence, and made false statements. He was guilty of fraud, dishonesty, and misrepresentation. The attitude of the prosecutor was to win at all costs. All subsequent charges against the prosecutor were extreme violations of the code of ethics. The sensationalism of the case, black girl raped by white boys, put the case in front of the public before the accusations were disproven. The prosecutor lost sight of innocence until proven guilty. *This was prosecutorial misconduct.*

This was a highly publicized case and the errors began to mount in favor of the three accused. The North Carolina Bar filed ethics charges against the prosecutor. He withdrew from the case in 2007. Ultimately the prosecutor was disbarred for his misconduct. He was the first prosecutor in North Carolina history to lose his law license based on his actions in a case. The damage done was extreme for the three men, for the team, for the coach, for the lost season and for the prestigious Duke University. The cost to correct this wrong was enormous. This is a case in point displaying the power of the prosecutor to make his case with total disregard for innocence. *This was prosecutorial misconduct.*

The case of Theodore Stevens, Sr., a Republican United States Senator from Alaska in government office from 1968 until 2009, who started his service to the country in World War II, is another case of reprehensible conduct on the part of the prosecutors. In 2008 he was accused of corruption by not reporting that an oil services company had remodeled his house in Alaska. He was tried and convicted in 2008 just before re-election

time. He lost his Senate seat by a small majority. This was a politically motivated investigation and charges of corruption eventuated into the trial in which he was convicted. The case fell apart later during an investigation which found two prosecutors in the case failed to turn over exculpatory evidence which would have helped his case. *This was prosecutorial misconduct.*

The Justice Department probed the case and found evidence of gross prosecutorial misconduct and reckless professional misconduct on the part of the two prosecutors in the case. The two prosecutors were reprimanded several times for their action, which were: 1) introducing false evidence, 2) withholding exculpatory evidence, 3) mishandling witnesses. Beyond being reprimanded, nothing happened to the two prosecutors, no penalty, no charge, no action by the bar. The political after effects resulted in Stevens losing his re-election, losing his seat in the Senate, giving the Democrats a majority in the Senate. This case is a further example of misconduct where a charge can be made and a guilty verdict can be manufactured. Do we believe our judicial system is without fault?

Another similar case equally politically motivated was that of Tom DeLay, a Republican United States Congressman from Texas, charged by the District Attorney of Travis County, Texas, for laundering money and illegal finance activities. A Travis County Grand Jury issued an indictment, an arrest warrant was issued for his arrest and he turned himself in. He temporarily resigned from his position as House Majority Leader and announced he would not seek to regain his post. Mr. DeLay resigned from Congress. A Texas court overturned Mr. DeLay's conviction on the grounds the prosecutor's evidence was legally insufficient to sustain a conviction and reversed the trial court conviction to an acquittal. The District Attorney who brought the charges was not penalized, not reprimanded or castigated in any manner.

Misconduct on the part of State's Attorney and District Attorneys runs rampant within the court system. If a prosecutor wants to arrest someone, he can. If he wants to put someone in jail, he can. If he wants to distort the truth he can. If he wants to present false testimony he can. Accountability is virtually nonexistent!

The cases above touch lightly on prosecutorial misconduct across the nation in non-capital cases. The focus should be on capital cases wherein the defendant might receive a death sentence in spite of his or her innocence. In the State of Florida the rate for errors in capital cases is the highest in the nation. The error rate in Florida is over 70% for the capital

cases being overturned and the defendant released. The four leading causes of death penalties being overturned in Florida are prosecutorial misconduct, incompetent defense lawyers, improper jury instructions, and suppression of evidence by the prosecutor.

The prosecutor's duty is to seek justice. He must prosecute with eagerness and zeal, but may not use improper actions which might result in a wrongful conviction. Most prosecutors exercise self constraint and act in good faith, and yet there are some who seem disinclined to restrain themselves. State's Attorneys and District Attorneys as elected officials feel a need to project and display their successes to the public. Success is too often displayed by their win column. Our culture rewards winners with promotions to higher offices. This process infects prosecutors with a 'win-at-all-cost' disease further inflamed by the philosophy that the 'ends justify the means'. A system of winning-at-all costs invites injustice and will corrupt from within.

This concept clashes with our culture when it produces a wrongful conviction of an innocent man being condemned to death. This is the most extreme result possible. Florida leads the nation in the number of wrongful capital convictions of innocent women and men.

The State Attorney's Office has more power than any law enforcement agency functioning in the justice system. With this unchecked and unreviewable power, the prosecutor and his office are often inclined to engage in misconduct. The prosecutor alone decides whether a case should go forward or be dismissed. He decides to make a deal with the defendant or seek a guilty plea. He recommends action to opposing counsel and has the unbridled power to make it difficult or easy. The public must demand a sense of reason from their State's Attorneys. If a prosecutor has an overwhelming desire to win at all costs, he willingly over steps his boundary of ethical conduct into one of misconduct.

Anytime a prosecutor engages in misconduct he weakens the public's trust in the system; he undermines the court's ability to achieve justice; and he changes the public perception that justice will prevail. A prosecutor pursuing a case often over reaches his boundaries in an effort to win-at-all costs. With an unchecked willingness to win, the prosecutor becomes the judge and the jury many times before the trial begins. He manipulates the media, the witnesses, and the judicial system to predetermine the case. Trying the case in court becomes a mere formality. *This is premeditated injustice!*

How does this lack of sanctions filter down to the local level and how often is a prosecutor tempted to violate the rule of law. In making a review of Florida's Judicial Districts we find recent examples of this failing system to be of epidemic proportions.

In a Judicial Circuit in south Florida the case of Delbert Tibbs cries of misconduct, both by the police and by the prosecutor. Delbert Tibbs, a seminary student, was traveling the country and was in Ft. Myers, Florida, in February 1974. The Police stopped him. Under questioning he was asked about the rape of Cynthia Nadeau and the murder of Terry Millroy. Nadeau had earlier described her assailant as 5 foot-6", dark skinned with a large afro styled hair. Tibbs was 6-foot-3, light skinned with short cropped hair. Nadeau later changed her statement to match Delbert Tibbs physical profile. The warrant was issued and Delbert Tibbs was subsequently arrested in Mississippi.

In less than two days Delbert Tibbs was found guilty by an all-white jury. Tibbs was a black man and the victims were white. After his trial a jailhouse informant provided fraudulent testimony to the prosecutor claiming Tibbs, while in jail with the informant, admitted to the crime. When Florida lifted its ban on the death sentence, Tibbs was subsequently sent to death row. The prosecutor, the police, and the judicial system equally engaged in egregious misconduct. Tibbs was denied 'due process'. In 1976 the Florida Supreme Court threw out Tibbs conviction and he was released in 1977 after spending three years of his life behind prison walls.

Another case in the same judicial circuit is the case of John Ballard. Ballard was charged with robbing and killing his two neighbors. Jennifer Jones and Willie Ray Patin lived across the street from Ballard. He was indicted for first degree murder and robbery. Without witnesses, without physical or forensic evidence, and without a confession, John Ballard was convicted of First Degree Murder, during a Robbery and was sentenced to death by execution. When the Florida Supreme Court reviewed his case they concluded the conviction was erroneous and was the product of an overzealous prosecutor. The prosecutor improperly inferred guilt during trial to sway the jury of Ballard's guilt. The Florida Supreme Court ruled that the circumstantial evidence was not enough to convict. This was egregious prosecutorial misconduct. *This is premeditated injustice.*

In this same judicial circuit there have been four cases since 1980 in which all four defendants were wrongfully convicted and condemned to death. The four, Delbert Tibbs, John Ballard, Bradley Scott and James Richardson, all were exonerated for their crimes. However, their stay on

death row was created by an overzealous prosecutor. Yet, there has been no sanctions levied on the prosecutors.

This review takes us to the judicial circuit in the Florida panhandle representing a six county circuit of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties. The present office is located in Bay County, Panama City, Florida. The nationally notorious case of egregious misconduct and legalized mayhem in this judicial circuit was the case against two black men, Freddie Pitts and Wilbert Lee. In this case both men were wrongly accused of killing two filling station attendants in Port St. Joseph, Florida on 1 August 1963. The prosecutor for the first trial was J. Frank Adams of Marianna, Florida. This trial was swayed by the prosecutor. The case was rife with hiding exculpatory evidence, tampering with witnesses, perjured testimony, manufactured evidence, beatings of the two men into confessing, a racially biased atmosphere and discrimination in the seating of the grand jury.

Before reviewing the case, it is important to consider the racial atmosphere of the 1960s. In 1963, Martin Luther King, Jr. was having sit-in demonstrations in Birmingham, Alabama. Then he directed a march on Washington. Attorney General Robert Kennedy was proceeding with efforts to desegregate schools. In 1964 President Lyndon Johnson put into law the 'Civil Rights Act of 1964'.

In Port St. Joe, Florida, black people lived in a separate area, called 'the quarters'. The 'quarters' was a living area for African-Americans. Homes were one, two, three, or four room shanty homes of plywood, cardboard, tar papered walls, tar papered roofing and all living quarters with no electricity. The use of kerosene lamps for lighting and kerosene stoves for heating and cooking was normal. Virtually none of the black people were educated beyond the fifth or sixth grades. The only happiness and entertainment for the black people were self-created parties in which 'moonshine' was the primary catalyst for enjoyment. It was in this atmosphere that Freddie Pitts and Wilbert Lee were wrongly identified and subsequently convicted for a crime they didn't commit.

It was 31 July 1963 when a local man, Curtis Adams, Jr. of Port St. Joe, Florida, and his live-in woman, Mary Jean Akins, decided to move down to central Florida to visit Mary Jean's sister in Winter Haven. They needed money to make the trip. That night in the early morning hours of 1 August 1963, Curtis Adams, Jr. made the decision to rob a gas station. The local Mo-Jo gas station was run by his two friends, Grover Floyd, Jr. and Jesse Burkett. At 1:30 that morning Curtis Adams, Jr. went to the station, pulled

a gun on his unsuspecting friends, and took \$87.00. He held the two at gun point, forced them into his car, one man driving and one sitting in the right seat while Adams held them at gun point from the rear seat. They drove north from Port St. Joe. Reaching a location thirteen miles away, Adams had the driver pull over, forced them to walk down alongside a canal. There he had them to lay face down in the brush. He used a gun he took from the station and shot both men in the head. He drove away from the scene, threw the gun into the canal and went back home where he went to sleep for the rest of the night.

Before the kidnapping, two local boys, high school teenagers, stopped to fill a 55 gallon drum for commercial fishing. They observed an argument between Willie Mae Lee and the two attendants. The two teenagers knew something seemed wrong but failed to interfere. After the kidnapping a casual driver stopped at the Mo-Jo station for gas. He pumped two dollars worth of gas into his vehicle. With no attendants available, he left two one dollar bills on a clip board inside the station's office. This disappearance became questionable when a friend of the two attendants stopped by and found them missing.

When the Chief Deputy Sheriff began investigating the disappearance, the two teenagers told of the incident. The robber took only money and left checks in the cash drawer. The police took the checks, left by the alleged perpetrators, from the cash register as evidence. One check was from Army Private E-2 Freddie Lee Pitts, age 20 on leave from the Army. This check proved as evidence enough to trace down Pitts and start asking questions. This questioning led to Wilbert Lee, age 28 and Willie Mae Lee, age 19, no relation to Wilbert Lee.

Under questioning, Willie Mae Lee, the 19 year old, uneducated, naive, scared and immature, falsely fabricated a story to satisfy the questioners. She fabricated the story from scuttle-butt information. She declared that Pitts and Lee robbed the station. From hearing details in the news about the robbing she embellished her fabrication and said they took both attendants to a canal. When the four walked away along the canal she stated she heard shots and the attendants never returned. This firmed the State's case against Pitts and Lee and sealed their fate. There was no trial. The police battered the two defendants until they eventually and wrongfully confessed to the crime.

Within twenty eight days of the crime, the case was closed and the two black men, Freddie Pitts and Wilbert Lee, were sitting on death row awaiting the electric chair. The prosecutor, judge and jury, all white,



charged, indicted, convicted, and sentenced two black men to death for killing two white men.

This was a six county judicial circuit in the Florida Panhandle. The Prosecutor, J. Frank Adams, allowed this to happen. He appointed W. Fred Turner of Panama City to be defense counsel. The defense attorney was later declared incompetent for advising his two clients to plead guilty to the crimes.

Sheriff, M.J. 'Doc' Daffin of nearby Bay County, housed Pitts and Lee in the Bay County jail. Sheriff Daffin testified that both men confessed, 'free and voluntary', in his jail, to the crimes and that their attorney W. Fred Turner, was present when they confessed. This was totally untrue and a complete fabrication of the truth. This never raised a 'red flag' to anyone that this was very unusual. The two men were denied their right to 'due process' which also raised a 'red flag'. The process of charging, indicting, convicting, and sentencing was rushed to please political pressures of the day. There was no trial since they confessed. Did this rush to convict not raise another 'red flag'.

A Gulf County judge in Wewahitchka, Florida, impaneled a separate grand jury for the sole purpose of determining the issue of 'mercy'. Should both men be 'executed' or given 'life'. This was a highly unusual proceeding and was never questioned by anyone. Did this not raise another 'red flag'? This was more than telling of this panhandle circuit in Florida. This also set the stage for what was to follow, the re-trial of Freddie Pitts and Wilbert Lee. Freddie Pitts in 1991 made the statement, "Prosecutors have raw power, there's no law to hold them accountable. This whole thing has gotten so political that justice has taken a back seat".

Pitts and Lee made appeal after appeal and no one in any authority would listen. On December 21, 1966, three years after the murders took place, Curtis Adams, Jr. accepted a polygraph test in Broward County. During this session he confessed to the crimes of the two men murdered in Port St. Joe, Florida. The polygraph test was circulated to the Broward County Sheriff and subsequently to the Gulf County Sheriff and to the State's Attorney, J. Frank Adams. This information was refused by the prosecutor and the sheriff of Bay County, Florida. Adams' confession was deemed unreliable and hidden away in the prosecutors file. Hiding exculpatory evidence is a true ethics violation. *This was Prosecutorial Misconduct.*

The same happened to the testimony of Willie Mae Lee, she was the lady who fingered Wilbert Lee as one of the killers. In 1968 she recanted

her false testimony and officially stated that Pitts and Lee were innocent of the crimes. Her statement was also hidden away from the defense attorneys. In the meantime two defense attorneys were lobbying and filing motions for a retrial. The two newly assigned attorneys, Irwin Block and Phillip Hubbart, created enough of a stir to force a hearing for a retrial.

This was horribly opposed by Assistant State Attorney Leo C. Jones, the assigned prosecutor for this case. The State's Attorney, J. Frank Adams, withdrew himself from the case. Leo C. Jones immediately began a pre-trial campaign through the media declaring the original convictions were correct. Through the news media interviews and civic club speeches he continued with his rhetoric against the need for a retrial for Pitts and Lee.

CBS Morning News filmed a segment on Leo C. Jones saying, "Mary Jean Akins came into open court and repudiated her confession in each and every detail. This segment was placed on the airways and was a deliberate untruth. The denial of her supposed confession never happened, but truthfulness never bothered the prosecutor or the 14<sup>th</sup> Judicial Circuit. The assistant State Attorney was never bound by honesty, integrity, ethical rules, or morality. He was going to 'win' at all costs and this act of sensationalism was his signature process to 'win'. Pre-trial publicity became Assistant State Attorney Leo C. Jones 'modus operandi'. Some people have said the prosecutor was only doing the will of the people.

Again before the Rotary Club in Port St. Joe, Florida, State Attorney Leo C. Jones denied any suppression of evidence. His boss, J. Frank Adams, in 1963 did in fact hide evidence of conflicting testimonials provided by Mary Jean Akins and Wille Mae Lee. Jones stated that Willie Mae Lee admitted all along that Lambson Smith was to blame and that her statement was in the courtroom transcript of 1963. This also was not true!

The State Attorney's statements were that both men confessed to the crime and were convicted making a retrial superfluous. If a retrial would be ordered, he planned to re-convict both men. At this time in 1971, both Pitts and Lee had been legally cleared of the crime, however, Leo C. Jones put in motion delaying tactics designed to keep both men in custody awaiting for the re-trial. They were not released from prison. Each processing step for preliminary pre-trial submission was delayed over and over. The first delay was for an additional ten days, then another ten days, then thirty days. Eventually Pitts and Lee stayed in prison for an additional eighteen months before trial could begin.

State's Attorney Leo C. Jones was the man instigating the delays, declaring both men were guilty and must remain in prison until retrial

begins. Continuing to declare each man guilty of the crime *was truly prosecutorial misconduct*.

This prosecutor displayed the power of the State's Attorney and continued his quest for power in subsequent cases. Pitts and Lee were again convicted of first degree murder due solely to exculpatory evidence being hidden from the defense attorneys. The failure of seeking justice rewarded the prosecutor. He was subsequently elected to the State's Attorney position. Only through the dogged determination from the Defense Attorneys, Block and Hubbart, who witnessed every wrong doing, did Pitts and Lee eventually prevail and were exonerated of the crimes.

What went wrong? The State's Attorney, J. Frank Adams and the system railroaded Pitts and Lee. During the retrial, Leo C. Jones, the assigned prosecutor, followed the circuits 'modus operandi' of *prosecutorial misconduct* to 'win' at all costs.

He tried his case before the public in pre-trial publicity, poisoning the jury and the public!

He did not disclose exculpatory evidence to the defense team.

He allowed false evidence to be introduced when he knew the evidence was false. Perjured evidence was callously introduced.

He stopped the defense from allowing the confession of the real perpetrator to be introduced.

He diverted and distracted the jury by declaring the judicial system was on trial, not Pitts and Lee.

He strenuously objected to all motions for a mistrial by the defense team.

He had the unbalanced support of the sitting judge in his motions.

Playing to the jury he emotionally and profoundly pointed directly at the defendants when declaring them guilty.

He stated over and over that the defendants had already been convicted of the crime.

***NOTE: Author Gene Miller, of The Miami Herald, incensed by this egregious prosecutorial misconduct, detailed this injustice in his book, "Invitation to a Lynching". This type and kind of prosecutorial misconduct continued in the districts of Florida during the 1960s and 1970s.***

This prosecutor, Mr. Leo C. Jones, created his personal signature in a statement, "I would not be prosecuting this case if I didn't believe they were guilty." This statement was to be his mantra and was to be repeated in subsequent trials in which he was the prosecutor. He used all the above

signature strategies on Walter Gale Steinhorst and David Monroe Goodwin. Neither man had a chance at a fair and impartial trial. This was against all Constitutional Rights of the Accused in the 5<sup>th</sup> and 14<sup>th</sup> Amendments.

In all this obvious miscarriage of justice, the prosecutor was never held accountable. However, Leo C. Jones was elected to the position of State's Attorney for the circuit succeeding J. Frank Adams, his boss.

Subsequently Pitts and Lee, after spending twelve years of their lives in jail, were exonerated by the Governor of the State of Florida, Gov. Reuben Askew, and given half a million dollars each for being wrongly convicted. The taxpayers paid the tab for this prosecutorial misconduct.

The power of the prosecutor and the callousness in which prosecutors handle cases for the 'win' never draws attention and they are never held accountable. This prosecutor was known to proudly announce that he had never lost a capital case. While the Legislative Bill for Restitution for the Pitts and Lee debacle was coursing through the Florida Legislature, Mr. Leo C. Jones, III, in his usual arrogant fashion said, "If they call me to testify I'm prepared to present evidence to prove that the man who confessed couldn't have committed the crimes."

Other nationally publicized cases of Leo C. Jones and this Florida panhandle circuit was that of the Sandy Creek Murders. The prosecutor wrongfully accused and convicted a man for first degree premeditated murder when he was 120 miles away from where the crimes took place. Jones was successful in securing his 'win'. Any person would be hard pressed to believe that being ordered to carry a length of rope a distance of one and a half miles would be worth wasting 38 years of your life. That is what happened to David Monroe Goodwin. His crime was argued on the basis of carrying the length of rope to another location as "aiding and abetting" in a kidnapping which ended in murder. This man has wrongfully remained in jail for 38 years.

Attorney for Walter Gale Steinhorst, Mr. Clifford Davis, stated numerous times before, during and after the trial that Steinhorst was convicted due to pre-trial publicity presented by the prosecutor!

In the event an elected State's Attorney should fall out of favor with the local administrative government for any reason, then his willingness to 'win' at all costs is greatly increased and winning becomes essential. With Leo C. Jones' job being in jeopardy at the time, his desire to stay in office forced his need to 'win' at all costs.

In the case of 'The Sinkhole Murders', a career troubled Leo C. Jones was the prosecutor and his winning was an imperative. He was the State's

Attorney for the circuit in Panama City, Florida. The news conference that Leo Jones called was presumed by all news media to be for him to announce his resignation. Terry Witt a staff writer for the Panama City News Herald, in an article of 9 December 1977 stated, “rumblings were that Leo Jones planned to announce his resignation”. All media representatives were surprised when he changed the agenda from resigning to a ‘show boating’, sensationalized exercise against the super police of FBI, FDCLE, DEA, and U.S. Customs. When Jones was “asked if a prominent Panama City businessman had called the governor last week to notify Askew of Jones’ resignation? Jones said “he never comments on rumors.”

Leo Jones was feeling the pressure to resign and tried turning the tables by sensationalizing The Sandy Creek Murder case. He was beginning to try his next case through the media just as he did in the Pitts and Lee case and making it “beyond sensational” to re-acquire prominence in his position as State’s Attorney. In the murder case of The State of Florida vs. Walter Gale Steinhorst, this outburst of sensationalism was questioned over and over by Defense Attorney Clifford Davis. He questioned the amount and the tactics of this pre-trial publicity in which the public and the potential jury pool were poisoned against Mr. Steinhorst. By rules of ethics, *this was blatant Prosecutorial Misconduct*. Jones’ actions mirrored his efforts in the Pitts and Lee Case.

The Defense Attorney for Walter Gale Steinhorst, Mr. Clifford Davis declared that Prosecutor Leo Jones had “bought and paid for’ his witnesses, the three Lukefahr brothers, with grants of immunity. In addition to the charge of granting immunity, the defense attorney revealed that prosecutor Leo Jones had made secret trips to Atlanta, Georgia and Livingston Parish, La., to obtain ‘quid pro quo’ testimony from the three Lukefahr brothers in exchange for a grant of immunity while offering immunity for non-prosecution. Mr. Leo Jones, agreed to appear before a Louisiana Judge on behalf of the three Lukefahr brothers to seek leniency in their sentencing. He would do this and give the three brothers immunity if they agreed to testify in the murder trials before the Grand Jury.

Attorney Clifford Davis served a subpoena on Leo Jones asking for copies of any letters he sent to Livingston Parish on behalf of the Lukefahr brothers further ‘buying’ their testimony. Davis never received the copies asked for but did receive a benign letter of response.

With criminal law and capital cases becoming more news worthy, prosecutors can find reasons to prosecute just about anybody for even minor offenses. In a case where the individual charged might be innocent

the prosecutor has the power to make him guilty. He can find him guilty in court, seek and gain harsh sentencing and the individual can be sent away for a lifetime. The individual's innocence can be totally unrecognized, unconsidered, and of no consequence. This is blatant misconduct by the prosecutor and exactly the actions this prosecutor took in the Steinhorst and Goodwin trials.

The most frequently used scheme to win a trial at all costs is the use of testimony from those granted immunity from prosecution. In the case of Walter Steinhorst and David Goodwin, Leo Jones granted immunity to the three Lukefahr brothers. The three were professional smugglers already in jail in Louisiana. They were considered as 'swayable witnesses' who would most likely present false testimony to help the prosecutor 'railroad' a case.

In the two capital cases regarding the Sandy Creek Murders, the Prosecutor asked the Grand Jury for 3<sup>rd</sup> degree murder indictments for fourteen of the smugglers involved at the Sandy Creek operation. Before the trial date was set for Walter Steinhorst and David Goodwin, Prosecutor Leo Jones gave immunity to four of the most unreliable candidates for their testimony. He additionally dropped charges on an additional seven for their testimony. Each witness, in agreeing, knew that Leo Jones could withdraw his part of the agreement at any time should they refuse to cooperate. He could even toss them back in jail at the drop of a hat. This is witness tampering and is prosecutorial misconduct.

Detailing a list of any prosecutor's misconduct would read as follows; 1) making improper remarks or improperly introducing evidence designed to prejudice the jury while in court, 2) hiding, destroying or tampering with evidence, 3) failing to disclose evidence that might tend to exonerate the accused, 4) threatening, badgering, or intimidating the witnesses, 5) presenting false or misleading evidence, 6) vindictive prosecution, 7) using unreliable and untruthful witnesses or 'snitches'.

How can this happen in any judicial circuit? Convened Grand Juries tend to believe the prosecutor. They believe the testimony given to them by the prosecutor is true and without any shade of false hood, manipulation or perjured information. Selected jurors tend to believe prosecutors and the police. When either of the two says the accused is guilty, they are believed. The Grand Jury and Juries selected for trial do not expect the prosecutor or the police to lie or withhold evidence. Juries never consider nor expect the prosecutor to give them false information. The prosecutor has all the trump cards during a trial.

The single balancing factor for the accused is his rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution. This is the accused rights for 'due process'. The accused cannot be denied 'due process'. If the prosecutor doesn't prove his case against the accused beyond a reasonable doubt, the accused goes free. However, the prosecutor has the jury's desire to believe him. Juries never expect the prosecutor to make improper remarks, to use unreliable witnesses, to manipulate facts, to present false or misleading evidence or to control the courtroom and the Grand Jury.

When the prosecutor's driving force is to win-at-all-costs and his desire to make things easier for himself, he begins to step beyond his boundary of seeking justice. The prosecutor begins to tilt the scales of justice by cutting corners. The result is injustice caused by prosecutorial misconduct. Whether unwittingly or premeditatedly, the prosecutor engaging in misconduct violates the defendant's constitutional rights for a fair trial, thus violating the defendant's 5<sup>th</sup> and 14<sup>th</sup> Amendment Rights of 'due process'. All prosecutors in Florida are immune from civil action. There is no civil action possible! They are never held accountable for their actions. They are free from civil action liability. The door is wide open for prosecutorial misconduct in Florida. Florida has the highest rate in the United States for falsely convicting capital cases.

In Florida's criminal prosecutions, the State must properly obtain and present a case while respecting the rights of the accused. When any court ceases to provide these fundamental protections, we all lose our liberties. Thus we have judicial tyranny!

In this book, 'Twisted Justice II', you are presented the facts. Court recordings have been transcribed as they happened. It is now up to the reader, to decide guilt or innocence of the accused. It is also imperative for the reader to decide if the defendant's rights to a fair trial had been violated. Was any perjured information introduced by the prosecutor? Were any unreliable witnesses given immunity in exchange for their perjured testimony? Did the prosecutor prove the charges of 'aiding and abetting' in the kidnapping? Did the prosecutor prove the charges that required the defendant to lose thirty eight years of his life? Do you now believe your elected State Attorney is so powerful he can put you in jail and keep you there as long as he desires? Where did things go so horribly wrong that the sitting Judge decided to discard the jury's recommendation of life imprisonment to death by execution? Was the Judge biased against the defense? Did the Judge have his mind made-up before the trial? Did the Judge extort a guilty verdict from the Jury? The sitting Judge, Former

Supreme Court Chief Justice James C. Adkins, gave unbalanced support in these cases to the prosecutor to the absolute chagrin of the Defense Attorneys. Judicial tyranny surfaces again at the hand of a biased sitting judge.

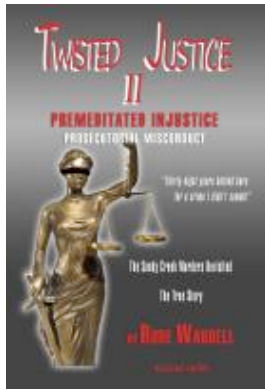
As a further consideration, Judges usually sequester the Jury in a capital case. That appears to be normal. But when the judge has a holdout in the jury room and tells the jury to go back into deliberation and do not return until they have reached a verdict. The judge is using their desire to go home as leverage to extort a verdict.

The Constitution of the United States under the 5<sup>th</sup> and 14<sup>th</sup> Amendment endows each citizen of these United States certain rights. These rights entitle each of us to a fair trial and embrace the concept that we are innocent until proven guilty. Our Judicial System is the greatest in the entire world. It stands loud and clear in embracing and voicing these individual rights. It is not the Judicial System that is in need of repair. This is the most perfect system of justice in the entire world. It is the people we elect or get appointed to these positions of power that make the system bad when wrongfully used.

Every agency, department, office, station, jail, corrections locations, etc. are a part of our justice system. All of these should constantly make themselves aware of injustice wherever it appears. They should be whistle-blowers when they detect injustices at any level. Those that only do their assigned jobs do nothing to help move justice along. All jobs in law enforcement require extraordinary efforts just to be normal.

You must ask yourself, 'did Walter Gale Steinhorst and David Monroe Goodwin receive a fair trial'? Is this justice or injustice and was it premeditated? Is judicial tyranny what you want from our system of justice?





*Premeditated Injustice happens when a prosecutor takes action before trial date, which poisons the public, the potential jurors, and the judge with extreme bias against the defendant. When the prosecutor intentionally attempts to precondition the public and the jury, he is engaging in prosecutorial misconduct. This book depicts a case in point where the defendant, David Monroe Goodwin, lost his freedom for thirty-seven years for a crime that he didn't commit.*

## Twisted Justice II

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