

By Senator Thompson

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1 A bill to be entitled

2 An act for the relief of James Joseph Richardson by
3 the State of Florida; providing for an appropriation
4 to compensate James Joseph Richardson for the length
5 of time he was incarcerated as a result of his
6 wrongful conviction by the state; providing an
7 effective date.

8
9 WHEREAS, on or about October 25, 1967, the seven children
10 of Annie Mae and James Joseph Richardson died of food poisoning
11 in Arcadia, and the cause of death was the consumption of food
12 laced with an insecticide called parathion, and

13 WHEREAS, James Joseph Richardson, a migrant farm worker,
14 was arrested on or about October 31, 1967, indicted by a grand
15 jury in December 1967, and found guilty of first-degree felony
16 murder in May 1968, and

17 WHEREAS, James Joseph Richardson was sentenced to death and
18 spent four years of his original prison term on death row, until
19 the Florida Supreme Court declared the death penalty
20 unconstitutional and commuted his sentence to life in prison,
21 and

22 WHEREAS, in August 1988, the Richardsons' babysitter, Betsy
23 Reese, admitted to two of her nursing assistants that she killed
24 the seven Richardson children, and the Sarasota Herald-Tribune
25 subsequently exposed her admissions in a published story, and

26 WHEREAS, Ms. Reese confessed on numerous occasions that she
27 had poisoned the Richardson children, as she had been angry over
28 Mr. Richardson's introduction of her husband to another woman in
29 Jacksonville, and

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30 WHEREAS, in October 1988, Governor Bob Martinez received a
31 box of materials that had been stolen from the Office of the
32 State Attorney, and the contents of the box indicated that there
33 was exculpatory evidence not provided to Mr. Richardson's
34 attorney before the trial, and

35 WHEREAS, the Governor issued executive orders assigning
36 Attorney General Bob Butterworth and Janet Reno, State Attorney
37 for the 11th Judicial Circuit, to investigate the murder of the
38 Richardson children, and

39 WHEREAS, the attorney general concluded that James Joseph
40 Richardson had not received a fair trial, and

41 WHEREAS, James Joseph Richardson was released from prison
42 in April 1989, pending issuance of the final investigative
43 report and conclusions by the state attorney, and

44 WHEREAS, on May 5, 1989, the state attorney filed a
45 Memorandum of Nolle Prosequi, and the same year the court
46 vacated James Joseph Richardson's judgment, conviction, and
47 sentence, and

48 WHEREAS, on July 1, 2008, the Legislature enacted the
49 Victims of Wrongful Incarceration Compensation Act, after which
50 James Joseph Richardson timely filed a petition with the Twelfth
51 Judicial Circuit in DeSoto County seeking status as a wrongfully
52 incarcerated person eligible under the law for compensation, and

53 WHEREAS, although James Joseph Richardson initially settled
54 a lawsuit with DeSoto County over his wrongful prosecution, the
55 state contested his claim under the Victims of Wrongful
56 Incarceration Act, and an administrative law judge found that
57 although there was an absence of evidence proving Mr. Richardson
58 guilty, there was insufficient evidence to prove his innocence,

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59 which is a requirement under the act, and

60 WHEREAS, the trial court denied James Joseph Richardson's
61 wrongful prosecution incarceration claim, and

62 WHEREAS, despite substantial evidence that James Joseph
63 Richardson was innocent, the state argued that he poisoned his
64 children's food with parathion to recover their life insurance
65 proceeds, and

66 WHEREAS, Gerald Purvis, the insurance agent who attempted
67 to sell insurance policies to James Joseph Richardson, told
68 investigators that he had informed Mr. Richardson on two
69 separate occasions that the policies were not in effect due to
70 his nonpayment of insurance premiums, and

71 WHEREAS, Mr. Purvis's transcribed statements indicate that
72 the policies had never taken effect and that James Joseph
73 Richardson had understood them to be invalid, but these
74 statements were not provided to Mr. Richardson or his attorney,
75 and

76 WHEREAS, a pastor who spoke with James Joseph Richardson at
77 the hospital while he was waiting for information on the
78 condition of his children provided a statement to authorities
79 that Mr. Richardson told him that the children were not insured
80 and that statement was not disclosed to Mr. Richardson's
81 attorney, and

82 WHEREAS, Ms. Reese was evidently a jealous woman, as there
83 were handwritten notes of assistant state attorney John
84 Treadwell demonstrating that she had shot and killed her second
85 husband over a woman, and

86 WHEREAS, Ms. Reese was on parole at the time of the
87 Richardson children's death for the 1956 murder of her second

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88 husband, and her first husband had also mysteriously died after
89 eating a meal she had prepared for him, and

90 WHEREAS, on October 26, 1967, after a number of
91 unproductive searches of the Richardsons' home and the
92 surrounding area, Ms. Reese, who lived in an apartment adjacent
93 to the Richardson's home, assisted authorities in uncovering a
94 bag of parathion in a nearby shed, which had been searched the
95 previous night without event, and

96 WHEREAS, Ms. Reese's apartment was not searched on October
97 25, 1967, or in the days immediately thereafter, and

98 WHEREAS, numerous witnesses, including James Joseph
99 Richardson, indicated that Ms. Reese had a motive to harm the
100 Richardson family, and the state disregarded its constitutional
101 obligation in failing to provide all of these statements to
102 James Joseph Richardson's attorney, and

103 WHEREAS, apart from the investigation by the DeSoto County
104 Sheriff's Office, inconsistent information was presented at the
105 trial, and

106 WHEREAS, the state, knowingly and without the knowledge of
107 the defense, used the perjured testimony of one of its principal
108 witnesses and,

109 WHEREAS, despite the state's legal and constitutional
110 obligation, did not inform the court that this witness had
111 perjured himself to the court, and

112 WHEREAS, after James Joseph Richardson's 1967 indictment by
113 the grand jury of first-degree murder, but prior to his trial,
114 State Prosecutor Frank Schaub and agents of the Florida
115 Department of Law Enforcement acknowledged that the state had a
116 weak case, and

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117 WHEREAS, in a memorandum dated January 1968, the department
118 concluded that the investigation failed to produce sufficient
119 evidence to justify a court action, and, without additional
120 information, the case would be nolle prosequi, and

121 WHEREAS, the memorandum also stated that press accounts
122 were leading the public to believe that Mr. Richardson was
123 guilty and that there was sufficient evidence to convict him,
124 and that the state should be cautious in making its final
125 decision on prosecution, and

126 WHEREAS, in a letter dated January 30, 1968, that the state
127 prosecutor wrote to an assistant state attorney, the state
128 prosecutor stated that if no progress was made the charges would
129 have to be dismissed a reasonable time before the case went to
130 trial, and

131 WHEREAS, on February 6, 1968, just three months before Mr.
132 Richardson was found guilty, a letter from assistant state
133 attorney Treadwell to the state prosecutor indicated that he
134 planned to meet again with agents from the Florida Department of
135 Law Enforcement to determine whether there was sufficient
136 evidence to take the case to trial, and

137 WHEREAS, on May 5, 1989, about 21.5 years after Mr.
138 Richardson's conviction, the state attorney's Memorandum of
139 Nolle Prosequi concluded that the investigation into the
140 Richardson children's deaths was inadequate and incomplete, and

141 WHEREAS, the memorandum stated that [obvious] leads were
142 never pursued; critical questions were never answered; glaring
143 inconsistencies were never questioned or resolved, and standard
144 investigative procedures were not followed. . . [T]he State did
145 not have sufficient evidence to charge James Joseph Richardson

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146 and to prove him guilty beyond a reasonable doubt. . . It is
147 apparent, after a review of all evidence obtained in the
148 original investigation and ensuing investigations, that not only
149 couldn't the State prove [Mr.] Richardson was guilty beyond a
150 reasonable doubt, but [Mr.] Richardson was probably wrongfully
151 accused],” and

152 WHEREAS, because James Joseph Richardson was precluded from
153 proving his innocence in a court of law after the filing of the
154 Memorandum of Nolle Prosequi, and

155 WHEREAS, in providing compensation to James Joseph
156 Richardson, the Legislature acknowledges the fact that Mr.
157 Richardson suffered significant damages that are unique to his
158 case resulting from his wrongful prosecution and conviction, the
159 resulting deprivation of freedom, and the psychological and
160 physical toll of the time spent on death row, and

161 WHEREAS, we find that James Joseph Richardson is entitled
162 to a sum of \$3 million in compensation for the injuries and
163 damages sustained during his wrongful imprisonment, and

164 WHEREAS, the Legislature apologizes to James Joseph
165 Richardson on behalf of the state, NOW, THEREFORE,

166

167 Be It Enacted by the Legislature of the State of Florida:

168

169 Section 1. The facts stated in the preamble to this act are
170 found and declared to be true.

171 Section 2. There is appropriated from the General Revenue
172 Fund to the Department of Corrections the sum of \$3 million for
173 the relief of James Joseph Richardson for injuries and damages
174 sustained due to his incarceration for his wrongful prosecution

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175 and conviction for first degree murder in connection with the
176 death of his seven children.

177 Section 3. The Chief Financial Officer is directed to draw
178 a warrant in favor of James Joseph Richardson in the sum of \$3
179 million upon funds of the Department of Corrections in the State
180 Treasury, and the Chief Financial Officer is directed to pay the
181 same out of such funds in the State Treasury.

182 Section 4. This act shall take effect upon becoming a law.