

By Senator Hill

1-00168-08

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1 A bill to be entitled

2 An act for the relief of the descendents of Mrs. Johnnie
3 Mae Chappell, Claimants; directing the Division of
4 Administrative Hearings to appoint an administrative law
5 judge to determine whether a basis for equitable relief
6 exists for the purpose of compensating the descendents of
7 Mrs. Johnnie Mae Chappell for any wrongful act or omission
8 by the State of Florida, or officials thereof; authorizing
9 such compensation upon a determination by the
10 administrative law judge; requiring a report to the
11 Legislature; providing a limitation on the payment of fees
12 and costs; providing an appropriation; providing an
13 effective date.

14
15 WHEREAS, on March 23, 1964, Mrs. Johnnie Mae Chappell, a 35-
16 year-old mother of 10 children was shot outside the Banner Market
17 on New Kings Road in Jacksonville, Florida, and

18 WHEREAS, Mrs. Chappell died in route to the hospital, in an
19 ambulance reserved for the Black residents of Jacksonville and
20 Duval County, even though an ambulance for White residents was
21 located closer to the area where Mrs. Chappell was shot, and

22 WHEREAS, this incident occurred during a time when race
23 riots were occurring every day in the downtown area of
24 Jacksonville, stores were being looted and burned, and peaceful
25 marches were disbanded by violent means, and

26 WHEREAS, the State of Florida determined that Willie
27 Chappell, Mrs. Johnnie Mae Chappell's husband, was not capable of
28 taking proper care of his 10 children following the murder of
29 their mother, and ordered that the children be sent to relatives,

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30 foster homes, and juvenile shelters, and

31 WHEREAS, the Chappell siblings not only lost their mother
32 forever, they lost contact with each other for decades and had
33 only vague information concerning the murder of their mother, and

34 WHEREAS, in 1996, Shelton Chappell, the youngest child of
35 Mrs. Johnnie Mae Chappell, met former Jacksonville Sheriff's
36 Office Detectives Lee Cody and Donald Coleman who had obtained
37 confessions from three men concerning the murder, but the former
38 detectives informed Shelton Chappell that they thought that the
39 investigation of the Chappell case had been subverted because
40 they had been prevented from further investigating the case, and

41 WHEREAS, the four suspects in the case, J. W. Rich, Elmer
42 Cato, Wayne Chessman, and James Davis, were each indicted by a
43 grand jury on the charge of first-degree murder, with J. W. Rich
44 accused of pulling the trigger and the three other men charged
45 with aiding and encouraging the crime, and

46 WHEREAS, on November 30, 1964, after a 2-day trial, an all-
47 White male jury convicted J. W. Rich of the lesser charge of
48 manslaughter rather than first-degree murder, for which he served
49 3 years in prison, and state prosecutors dropped charges against
50 the other three defendants, citing insufficient evidence, and

51 WHEREAS, in the fall of 1965, Detectives Lee Cody and Donald
52 Coleman were fired from the Jacksonville Sheriff's Office for
53 insubordination after repeatedly trying to convince outside
54 authorities to investigate corruption within the sheriff's
55 office, including the Chappell murder, and

56 WHEREAS, the State Attorney has refused to reopen the case
57 for prosecution and the Department of Law Enforcement has failed
58 to issue a report concerning the case as requested, NOW,

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59 | THEREFORE,

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61 | Be It Enacted by the Legislature of the State of Florida:

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63 | Section 1. The facts stated in the preamble of this act are
64 | found and declared to be true.

65 | Section 2. The Division of Administrative Hearings shall
66 | appoint an administrative law judge to conduct a hearing and
67 | determine whether a basis for equitable relief exists for the
68 | purpose of compensating the descendants of Mrs. Johnnie Mae
69 | Chappell for any wrongful act or omission of the State of
70 | Florida, or officials thereof, which occurred in the
71 | investigation of the murder of Mrs. Johnnie Mae Chappell. The
72 | Department of Legal Affairs shall provide representation for the
73 | State of Florida.

74 | Section 3. (1) If the administrative law judge determines
75 | by a preponderance of the evidence that the State of Florida, or
76 | officials thereof, committed a wrongful act or omission and that
77 | a basis for equitable relief exists, the administrative law judge
78 | may award the descendants of Mrs. Johnnie Mae Chappell the amount
79 | of \$ _____ each. The administrative law judge shall report his
80 | or her determination to the President of the Senate and the
81 | Speaker of the House of Representatives by July 1, 2008. The
82 | Chief Financial Officer is directed to draw a warrant in
83 | satisfaction of the relief awarded by the administrative law
84 | judge, as provided in this act, and to pay the warrant out of
85 | funds appropriated by this act.

86 | (2) This award is intended to provide the sole compensation
87 | for all present and future claims arising out of the factual

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88 situation described in this act which resulted in the death of
89 Mrs. Johnnie Mae Chappell. The total amount paid for attorney's
90 fees, lobbying fees, costs, and other similar expenses relating
91 to this claim may not exceed 25 percent of the amount awarded
92 under this act.

93 Section 4. The sum of \$ _____ is appropriated from the
94 General Revenue Fund for the purpose of funding any amounts
95 awarded under this act.

96 Section 5. This act shall take effect upon becoming a law.