

By Senator Thompson

12-00535-13

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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 in prison sustained 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, Florida, and the cause of death was due to consuming
12 food 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 his sentence became life in prison, and

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

26 WHEREAS, in October 1988, Governor Bob Martinez received a
27 stolen box of materials that came from the Office of the State
28 Attorney, and the contents indicated that there was exculpatory
29 evidence not provided to James Joseph Richardson's attorney

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30 before the trial, and

31 WHEREAS, Governor Martinez issued three executive orders
32 assigning State Attorney Janet Reno to investigate the murder of
33 the Richardson children, and Attorney General Bob Butterworth
34 concluded that James Joseph Richardson had not received a fair
35 trial, and

36 WHEREAS, James Joseph Richardson was released from prison
37 in April 1989, pending a final investigative report and
38 conclusions by State Attorney Janet Reno, and

39 WHEREAS, on May 5, 1989, State Attorney Janet Reno filed a
40 Memorandum of Nolle Prosequi, and the court vacated James Joseph
41 Richardson's judgment, conviction, and sentence in 1989, and

42 WHEREAS, the Legislature enacted the Victims of Wrongful
43 Incarceration Compensation Act on July 1, 2008, after which
44 James Joseph Richardson timely filed a petition for the status
45 as a wrongfully incarcerated person who is eligible for
46 compensation with the Twelfth Judicial Circuit in DeSoto County,
47 and

48 WHEREAS, although James Joseph Richardson initially settled
49 in a lawsuit with DeSoto County over his wrongful prosecution,
50 the state contested his claim and an administrative law judge
51 found that although there was an absence of evidence proving
52 Richardson guilty, there was not enough evidence showing James
53 Joseph Richardson's innocence, which is a requirement under the
54 Victims of Wrongful Incarceration Compensation Act, and

55 WHEREAS, the trial court denied James Joseph Richardson's
56 wrongful prosecution claim, and

57 WHEREAS, despite substantial evidence that James Joseph
58 Richardson was innocent, the state argued that he had poisoned

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59 his children's food with parathion to recover their life
60 insurance proceeds, and

61 WHEREAS, Gerald Purvis, the agent who attempted to sell
62 insurance policies to James Joseph Richardson, specified on two
63 separate occasions to investigators that, because James Joseph
64 Richardson had not paid any of the insurance premiums, he had
65 informed James Joseph Richardson that the policies were
66 ineffective, and

67 WHEREAS, Gerald Purvis's transcribed statements indicated
68 that the policies had never been in effect and that Richardson
69 had understood them to be invalid, but these statements were not
70 provided to James Joseph Richardson or his attorney, and

71 WHEREAS, additionally, Reverend Fagan also made a statement
72 that was not disclosed to James Joseph Richardson's attorney
73 about a conversation he had with James Joseph Richardson, and

74 WHEREAS, according to Reverend Fagan, James Joseph
75 Richardson stated that his children had not had any insurance
76 while he had been in the hospital waiting to hear about their
77 conditions, and

78 WHEREAS, Betsy Reese confessed on numerous occasions that
79 she had poisoned the Richardson children, as she had been angry
80 over James Joseph Richardson's introducing her husband to
81 another woman in Jacksonville, and

82 WHEREAS, Betsy Reese was evidently a jealous woman, as
83 there were handwritten notes of Assistant State Attorney
84 Treadwell demonstrating that Betsy Reese had shot and killed her
85 second husband over a woman, and

86 WHEREAS, Betsy Reese was on parole at the time of the
87 Richardson children's death for murdering her second husband in

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88 1956, and her first husband had also mysteriously died after
89 eating a meal she had prepared for him, and

90 WHEREAS, Betsy Reese helped uncover the bag of parathion in
91 a shed west of the Richardsons' home and her apartment on
92 October 26, 1967, and this discovery came after five
93 unsuccessful searches of the Richardsons' home and the
94 surrounding area, along with a fruitless search in the shed just
95 the night before, and

96 WHEREAS, Betsy Reese's apartment was never searched on
97 October 25, 1967, or the days immediately thereafter, and

98 WHEREAS, there were numerous witnesses, including James
99 Joseph Richardson, who indicated that Betsy Reese had a motive
100 to harm the Richardsons, and

101 WHEREAS, the state disregarded its constitutional
102 obligation to provide all of these statements to James Joseph
103 Richardson's attorney, and

104 WHEREAS, apart from the investigation by the DeSoto County
105 Sheriff's Office, many inconsistencies existed around the trial,
106 and the state, knowingly and without the defense's knowledge,
107 used the perjured testimony of one of its principal witnesses
108 and, despite the state's legal and constitutional obligation,
109 did not inform the Court that this witness had committed
110 perjury, and

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

116 WHEREAS, in a memorandum dated January 1968, the bureau

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117 concluded that the investigation did not result in sufficient
118 evidence to justify a court action, and, without additional
119 information, the case would be nolle prosequi, and

120 WHEREAS, the memorandum also stated that the newspapers
121 were leading the public to believe that James Joseph Richardson
122 was guilty and that there was sufficient evidence to convict him
123 and the state, therefore, should be cautious in its final
124 decision, and

125 WHEREAS, a letter dated January 30, 1968, from State
126 Prosecutor Frank Schaub to Assistant State Attorney Jerry Hill
127 revealed that if no progress was made the charges would have to
128 be dismissed at a reasonable time before trial, and

129 WHEREAS, on February 6, 1968, just 3 months before James
130 Joseph Richardson was found guilty, a letter from Assistant
131 State Attorney John Treadwell to State Prosecutor Frank Schaub
132 indicated that he planned to meet with the bureau agents again
133 to determine if there was sufficient evidence for a trial, and

134 WHEREAS, on May 5, 1989, and approximately 21.5 years after
135 James Joseph Richardson's conviction, State Attorney Janet
136 Reno's Memorandum of Nolle Prosequi concluded that the
137 investigation into the Richardson children's deaths was
138 inadequate and incomplete, and

139 WHEREAS, the memorandum stated: "Obvious leads were never
140 pursued; critical questions were never answered; glaring
141 inconsistencies were never questioned or resolved and standard
142 investigative procedures were not followed. . . [T]he State did
143 not have sufficient evidence to charge James Joseph Richardson
144 and to prove him guilty beyond a reasonable doubt. . . It is
145 apparent, after a review of all evidence obtained in the

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146 original investigation and ensuing investigations, that not only
147 couldn't the State prove James Richardson was guilty beyond a
148 reasonable doubt, but James Richardson was probably wrongfully
149 accused," and

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

153 WHEREAS, the Legislature is providing compensation to James
154 Joseph Richardson to acknowledge the fact that he had suffered
155 significant damages that are unique to his case and that are the
156 result of physical and mental restraint, deprivation of freedom,
157 and time spent on death row, and

158 WHEREAS, James Joseph Richardson is therefore entitled to
159 at least a sum of \$3,000,000 for the injuries and damages
160 sustained from his wrongful imprisonment, and

161 WHEREAS, the Legislature apologizes to James Joseph
162 Richardson on behalf of the state, NOW, THEREFORE,

163

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

165

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

168 Section 2. There is appropriated from the General Revenue
169 Fund to the Department of Corrections the sum of \$3 million for
170 the relief of James Joseph Richardson for injuries and damages
171 sustained due to his incarceration for his wrongful conviction
172 for first degree murder.

173 Section 3. The Chief Financial Officer is directed to draw
174 a warrant in favor of James Joseph Richardson in the sum of \$3

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175 million upon funds of the Department of Corrections in the State
176 Treasury, and the Chief Financial Officer is directed to pay the
177 same out of such funds in the State Treasury.

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