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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

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29 | evidence not provided to James Joseph Richardson's attorney  
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

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

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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  
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

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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  
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  
 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  
 167 are found and declared to be true.

168 Section 2. There is appropriated from the General Revenue

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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  
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.