

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SCR 920

INTRODUCER: Senator Farmer

SUBJECT: Groveland Four

DATE: March 3, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Hrdlicka	CJ	Favorable
2.			JU	
3.			RC	

I. Summary:

SCR 920 acknowledges the grave injustice perpetrated against Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, who came to be known as the “Groveland Four,” exonerates the four men, offers a formal and heartfelt apology to these men and to their families; and urges the Governor and Cabinet to pardon Walter Irvin and Charles Greenlee.

II. Present Situation:

Concurrent Resolutions

A concurrent resolution is a resolution that is adopted by both houses and is limited to procedural legislative matters and ratification of federal constitutional amendments.¹ Florida Senate Rule 3.6 requires concurrent resolutions to contain a proper title, as defined in Article III, Section 6 of the State Constitution. Standard rules of capitalization apply. Concurrent resolutions are required to contain the resolving clause: “Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:”

Florida Senate Rule 4.13 requires that each concurrent resolution be read by title on two separate days before a voice vote on adoption, unless decided otherwise by a two-thirds vote of those Senators present.

Exoneration and Pardon

One of the legal definitions of “exoneration” is the absolving of a charge or imputation of guilt.² The power to pardon is granted by the Florida Constitution to the Governor with the consent of

¹ The Florida Senate, *Glossary, Bills: Resolution: Concurrent Resolution (SCR, HCR)*, available at <http://www.flsenate.gov/Reference/Glossary> (last visited March 2, 2017).

² Ballentine’s Law Dictionary (3rd Edition 2010).

at least two Cabinet members.³ Except in cases of treason and in cases when impeachment results in conviction, the Governor may, by executive order filed with the Secretary of State, suspend collection of fines and forfeitures, grant reprieves not exceeding 60 days, and with the approval of two members of the Cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.⁴

III. Effect of Proposed Changes

The Senate Concurrent Resolution provides a number of whereas clauses regarding the following background of the Groveland Four.

On July 16, 1949, a 17-year-old white woman and her estranged husband reported to police that they had been attacked and that she had been raped by four black men after the car in which she and her estranged husband were riding broke down on a rural road outside Groveland, in Lake County. Despite the lack of physical evidence in the case and the established alibis of the accused, Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the four men were presumed guilty.

Walter Irvin and Samuel Shepherd, both World War II veterans, acknowledged that they had stopped by the broken-down vehicle to see if they could assist the couple, but denied any involvement in the alleged rape. Charles Greenlee, who was only 16 years old at the time, and Ernest Thomas denied ever meeting the alleged victim and her estranged husband.

After their arrest that evening, Charles Greenlee, Walter Irvin, and Samuel Shepherd were severely beaten in the basement of the county jail. Mr. Greenlee and Mr. Shepherd were coerced into confessing to the crime, while Mr. Irvin refused to admit his guilt. Ernest Thomas, who fled the county, was shot to death several days later in Madison County by members of a deputized posse of armed men.

The three surviving men, Charles Greenlee, Walter Irvin, and Samuel Shepherd, were tried and convicted in the case. Mr. Greenlee was sentenced to life imprisonment due to his young age and Mr. Irvin and Mr. Shepherd were sentenced to death.

Thurgood Marshall, then executive director of the NAACP Legal Defense and Educational Fund, took over as defense counsel and appealed the convictions of Walter Irvin and Samuel Shepherd to the United States Supreme Court. The court unanimously overturned the judgments on April 9, 1951, and ordered a retrial.⁵

Seven months later, in November 1951, while transporting Walter Irvin and Samuel Shepherd from Florida State Prison in Raiford to Tavares State Prison for a pretrial hearing, Lake County Sheriff Willis McCall and Deputy Sheriff James L. Yates shot both men on a dirt road leading into Umatilla, claiming that they had shot the handcuffed men in self-defense when the two tried to escape.

³ Fla. Const. art. IV, s. 8(a).

⁴ Section 940.01, F.S.

⁵ *Shepherd v. Florida*, 341 U.S. 50 (1951).

Samuel Shepherd died at the scene as a result of his wounds, but Walter Irvin, who pretended to be dead, survived and accused the sheriff and his deputy of attempted murder. No charges were ever brought against the officers.

Walter Irvin was retried and convicted a second time for the crime and was sentenced to death.⁶ Mr. Irvin tried to appeal his second conviction, but all attempts were denied by the appellate courts.⁷

Mr. Irvin's sentence was commuted to life in prison in 1955 by then Governor LeRoy Collins, who was not convinced of Mr. Irvin's guilt. In 1970, while visiting Lake County, Mr. Irvin, who had been paroled 2 years earlier by then Governor Claude Kirk, was found dead in his car. While Mr. Irvin's death was officially attributed to natural causes (heart attack), it is reported that Thurgood Marshall had doubts about the circumstances surrounding Mr. Irvin's death.

Charles Greenlee, who was paroled in 1962 after serving 12 years in prison, died in April 2012 at the age of 78.

On March 15, 2016, the Lake County Commission approved Proclamation 2016-26 and presented it to the families of the Groveland Four. The proclamation reportedly apologizes to the families for the injustices against Mr. Irvin, Mr. Shepherd, Mr. Greenlee, and Mr. Thomas, and urges the Governor to exonerate the men.⁸

NAACP leader Harry T. Moore and his wife, Harriette, advocated on behalf of the four men. They were killed when their home in Mims was bombed on December 25, 1951. Their efforts on behalf of the Groveland Four may have played a role in their deaths.

The resolution seeks:

- The acknowledgement that Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas were the victims of gross injustices and that the Legislature apologizes to the families of the Groveland Four and deems the four men formally exonerated;
- That the Legislature urges the Governor and Cabinet to review the cases of Walter Irvin and Charles Greenlee and to grant Mr. Irvin and Mr. Greenlee pardons; and
- That a copy of this resolution be provided to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the families of the Groveland Four.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ See *Irvin v. Chapman*, 75 So. 2d 591 (Fla. 1954).

⁷ *Id.* See also *Irvin v. State*, 66 So. 2d 288 (Fla. 1953).

⁸ Lake County Commission, Minutes of a Regular Meeting of the Board of County Commissioners (March 15, 2016), available at http://www.lakecountyclerk.org/forms/board_minutes/2016/03/2016-03-15_Regular_Meeting.htm (last visited February 28, 2017). Christal Hayes, *Groveland Four families thankful for Lake apology, still seek exoneration*, Orlando Sentinel (March 15, 2016), available at <http://www.orlandosentinel.com/news/lake/os-groveland-four-families-lake-county-20160315-story.html> (last visited February 28, 2017).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

A person has been exonerated if he or she was convicted of a crime and later was found to be innocent of the crime or relieved of all consequences of the criminal conviction by a government official or body with the authority to take that action.⁹ “The official action may be:

- A complete pardon by a governor or other competent authority, whether or not the pardon is designated as based on innocence;
- An acquittal of all charges factually related to the crime for which the person was originally convicted; or
- A dismissal of all charges related to the crime for which the person was originally convicted, by a court or by a prosecutor with the authority to enter that dismissal.”¹⁰

VIII. Statutes Affected:

None.

⁹ The National Registry of Exonerations, *Glossary*, available at <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx> (last visited March 2, 2017). The National Registry of Exonerations is a joint project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School, and Michigan State University College of Law.

¹⁰ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
