

THE WORST VERDICT I'VE EVER SEEN!

By Dick Braendle,
Chief Courtwatcher

It was on April 3rd, in a trial before Circuit Judge Henry Davis, when Harvey Shuman, charged with the rape and kidnapping of a 10-year old girl was acquitted. This was despite overwhelming DNA evidence, an eyewitness who saw the

defendant with the child shortly before the incident, and a confession written by the defendant!

How could this happen? Those not acquainted with the criminal justice system in Florida, as it has evolved since the 1960's, to highly favor the criminal over the victim, and

not aware of the decline in the quality of jury pools after the switch from voter registration lists to anyone 18 or over with a driver's license might be quick to blame the trial judge, the prosecutor, or the defense attorney. Not so; each did an outstanding job!

The child, snatched off the street at midday by a stranger, could not identify Shuman and the issue at trial became ID. As the trial progressed, I really felt sorry for the Public Defender, Waffa Hanania, one of the best and most ethical defense attorneys in Jacksonville. She mounted a zealous defense, as required by law; despite the overwhelming evidence of guilt, and doing so based only on facts introduced in evidence.

After the DNA expert testified the odds of the rapist being anyone other than Shuman were greater than a QUINTILLION to ONE, Ms. Hanania, on cross, got him to admit errors COULD occur in DNA analysis. Although no evidence was presented in this case. Further, because the data bases for the statistics involve only hundreds of individuals, the expert had to admit it was not IMPOSSIBLE for another individual to have a matching DNA profile.

In the cross examination of

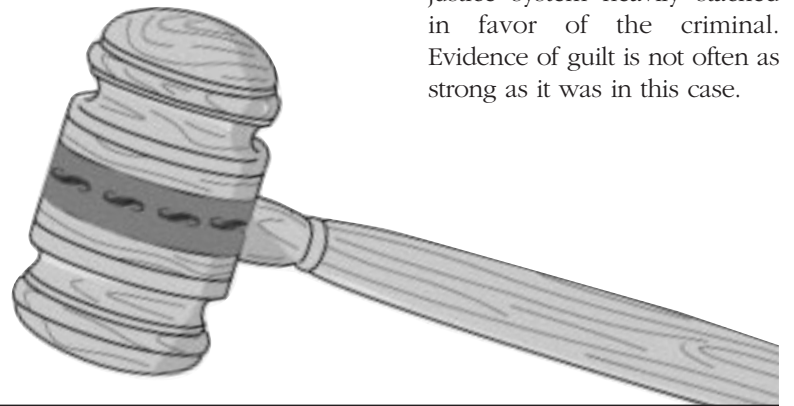
the detective about the confession, the defense attorney elicited that the detective told Shuman a confession might make some amends to the victim. A standard instruction by the judge, allows the jury to reject confessions, if they conclude any coercion was used or any promises made to the defendant. In her closing, Ms. Hanania argued a promise had been made.

The defense did not put on a case. Even if the defendant had testified (under Florida law, contrary to Federal law and that of most States), the jury would have learned Shuman had three prior felony convictions. They were a 2nd degree murder conviction for which he served only 4 years of a 17-year sentence, a robbery, and a burglary. He is now walking our streets.

The jury apparently chose to ignore the judge's instruction that a 'reasonable doubt' is NOT a 'possible' doubt. Unfortunately, this happens all too frequently.

Although conviction would have resulted in a mandatory life sentence, the prosecution had offered a plea to a lesser charge and a 25 year sentence, with agreement of the child's parents, to avoid putting the child through the trauma of testifying and reliving the horrible experience. The best the defense could come back with was 15 years. This was understandably rejected, considering the overwhelming evidence of guilt, the severity of the crime, and the defendant's criminal record.

Many times it may be best for victims and their families to accept what may appear to be an unfair plea bargains rather than risk another Shuman jury with a justice system heavily stacked in favor of the criminal. Evidence of guilt is not often as strong as it was in this case.



WANTED



LONNIE GRAY

Race: White Wt.: 150
Sex: Male Violation:
DOB: 1/27/78 Petty Theft
Ht.: 5' 9" <\$300



ROY EMERSON HARRIS

Race: Black Wt.: 225
Sex: Male Violation:
DOB: 12/20/57 Grand Theft
Ht.: 6' 4"



HEATHER MARIE HULL

Race: White Wt.: 130
Sex: Female Violation:
DOB: 5/16/79 VOP - FTA DUI
Ht.: 5' 5"



LEWIS T. JAMES

Race: Black Wt.: 170
Sex: Male Violation:
DOB: 7/4/75 VOP - Agg
Ht.: 5' 8" Battery

Anyone with any information concerning these individuals, please call
JSO at 904-630-0500

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VICTIMS' ADVOCATE
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