

**COURTROOM B - THE OLD CRIMINAL
COURTROOM AS I REMEMBER IT**

BY JOHN H. DEWELL

"It's just another dingy, musty old courtroom, with poor lighting, worse ventilation, no modern conveniences, smelling of tobacco, stale air and floor cleaners." You might say that about it and I guess it is true. But to me, Courtroom B is special. It is the history of my own professional life. Even more, it is my silent friend of seventy years who witnessed my life and also the turning points of life for thousands of Polk County people. To know this courtroom you must meet and know the lawyers, the judges, the clerks and reporters, the people who spent much of their lives there.

Built 72 years ago it was the home of the Polk County Criminal Court of Record which tried all crimes ranging from traffic, up (or "down", if you prefer) to second degree murders. It also was home to Judge Chester Wiggins' County Court which tried small civil cases. Thirty odd years later, the Hall of Justice was constructed to house the Criminal Court. The courtroom was then renamed "Courtroom B" and continued to be used for circuit and county court civil cases. Beginning in 1973 with the transfer of juvenile jurisdiction to circuit court, it was also used for all types of juvenile cases. Its court use ended in 1987 with the construction of the "new" courthouse.

When I was still a boy, probably 12 or 13, my father, Robert T. Dewell, who was then Judge of the Criminal Court of Record, started letting me spend the day with him when court was in session. This, of course, was only in the summer. But summers for us in those days were long, as our schools usually had only enough money to run seven months per year. Those days in the courtroom were etched in the memory of an impressionable young boy. That was as big as the world got. And so my memory and affection for that courtroom runs back over 65 years. That room and its primary people merge together in my memory.

The prosecutor, known officially as the County Solicitor, was Manual Glover. He was regarded as a very competent attorney and was assisted by Wallace Shafer, then a brilliant, articulate

young lawyer from Haines City. They were followed in that courtroom by Gunter Stephenson, his long time assistant Billy Love and Clifton Kelly. I served as an assistant to the last three named. They were fine trial lawyers, outstanding public servants and fine men personally. They taught me much. All later served with distinction as Circuit Judges. During World War II, B. G. Langston, a respected and much loved leader of the Lakeland Bar, volunteered to serve as Solicitor during Gunter Stephenson's absence in the Navy. "Beauty" Langston was the father of Thomas Langston who added his warm, calm personality to that courtroom in later years as a Circuit Judge.

Many names and faces of early defense attorneys quickly come to mind: Marshall Edwards, Bishop Edwards, H.E. Oxford, Lon Oxford, Snow Martin, D.C. "Lawyer Larry" Laird, and Gordon Petteway, to name a few. All have become legal legends in Polk County. In addition, prominent lawyers like Pat Whittaker from Tampa also came for big cases.

The defense lawyers were a fraternity unto themselves. They competed among themselves and a few did not like each other, but all had a close bond in this court work. I learned to appreciate their intelligence, objectivity, humor and loyalty to their clients. It was a "hand shake" bar in which they spoke the absolute truth to each other and a handshake was accepted just as binding as a written stipulation. Good defense attorneys have always been among the best at understanding human nature.

They also are the least judgmental; taking people (particularly clients) as they find them. Their attitude toward people in trouble was well capsuled to me later by Pat Whittaker in describing a man, "He is one of these fellows, when you go to him for help, tries to find out if you are right or wrong. Damn, John, a man that's right don't need no help!"

I think being around all these special people in that Courtroom started my desire to be there some day myself.

The Courtroom itself was two stories tall, about as high as it was long. Built before the advent of air conditioning, it depended on tall windows for air and light. Its height and the big windows moderated the summer heat somewhat but could not handle the afternoon sun. Of more effective help was the "shirt sleeve" rule excusing the lawyers from wearing coats in the summer. The acoustics were worse than bad, especially when the windows were open, thus allowing the traffic noises from Broadway down below. Testimony stopped when trucks went by.

The Bench was a massive structure on a raised platform which dominated the room. The witness chair was included as part of the Bench, a step below the judge's, set on the jury side of the room. The clerk's desk, also a part of the Bench, was on the east side. At some time a separate structure, like a five-foot tall wall, was built in front of the Bench. Ostensibly, it was to make a place for signing papers or for the lawyers to place papers, but I suspect the real reason was to stop the lawyers from leaning over the Bench.

The jury box was also on a raised platform, and was boxed in by an open railing. The seats were swivel chairs in two rows bolted to the floor. Many years later when women were allowed on juries, I persuaded the county to add a modesty screen to the open railing. The jury room was one floor up. It was reached through a door behind the Bench and then up a narrow, steep flight of stairs. In that Courtroom, physical agility was a necessary qualification for jury duty.

Seating space was adequate for most trials, but quickly filled to overflowing in trials of public interest.

Black spectators were not allowed to come into the courtroom but occupied a balcony over the north end above the white spectators. It was reached by a flight of steps from the courthouse hall just outside the courtroom main entrance. This discrimination was common throughout the state. In general, blacks were among the most respectful of the court.

At the north end of that courtroom was a holding cell for prisoners. Many years later, Judge Richard Bronson, whose office adjoined, requested the county to cut a door in the wall on his side of the cell to allow his use of the space. The county was reluctant because the courthouse plans showed the wall to be solid and steel reinforced. Finally, it was approved. The first blow with a sledge hammer went all the way through the wall which turned out to be only hollow tile. Fortunately, none of the prisoners ever knew of the flimsy security.

Behind the Bench on the jury side, a door led to a small ante room and toilet intended for use by the judge. However, the room was too small for a judge's chamber, and was mostly used by the Solicitor and the defense lawyers. I recall that Judge C.A. Boswell, then retired and advanced in years, but regarded as dean of the Bar, would sometimes sit in a rocking chair in the doorway. There he would listen to the trial and smoke. Even though the smoke would drift into the Courtroom, he was protected from the Bailiff by the Judge. The court extended special privileges to honor persons entitled to them.

The Courtroom was provided with brass spittoons which were actually used by tobacco chewers and by H.E. Oxford to dispose of his kitchen matches he used to light a cigar during recesses. Smoking, except during recesses, was not allowed. Years later I absconded with one of the spittoons to my County Attorney's Office across the street. I was much miffed when someone stole it from me.

Behind the Bench on the east side was a door leading to the Clerk's Office. According to my early memory, all of the clerk's duties were carried out by only two people, the Clerk, B.L. "Lucian" Durrance, and one deputy, "Cousin Hugh" Angle. Lucian was a quiet, distinguished gentleman, both efficient and popular. As a boy, I was impressed by his ability to keep a small chew of tobacco in the corner of his mouth without ever spitting. The lawyers would have given a lot for

a transcript of the whispered comments exchanged by Lucian and the judge during a trial.

Ann Senn (later to become Ann Horne) came on board as a deputy clerk upon her graduation from high school. She was a daughter of "Cap'n Jake" Senn, who was for years warden of the Polk County Stockade, a staunch friend of the judges and one of the most respected of Polk law men.

Ann learned her trade as a court reporter from Emily Mann. Emily, at the time, was Judge Amidon's reporter and the Solicitor's secretary. She afterward became an institution as the trainer of most of Polk County's court reporters. Ann succeeded Emily as Judge Amidon's reporter. Upon his retirement, she was assigned to me for sixteen years, until my retirement. She became my right hand.

Judges and attorneys make a mistake if they do not respect and rely upon the court reporter for information and advice. Reporters blend into the background of a trial, but they hear and observe everything that happens in the courtroom. Ann was to Judge Amidon, and to me, an extra pair of eyes and ears and was a trusted voice of experience. We both valued her opinions and judgement.

From the time of my dad's appointment until the court was moved to the Hall of Justice, the Criminal Court knew only two judges: my dad and Judge Roy H. Amidon. They appeared to be as different as two men could be. My dad stood 5'9" and weighed 240 pounds, Judge Roy stood 5'8" and weighed, at most, 150 pounds. Judge Roy was quick and decisive in everything. Judge Bob was also decisive, but much more deliberative and slower. Judge Roy loved to be outdoors, ride horses, do physical work; Judge Bob liked to go home and relax and tell his son what physical work to do. Judge Roy was born in New England, but raised in Florida at New Smyrna Beach. My dad was born and raised in St. Augustine, but went to college in Connecticut and Law School at Yale University. Judge Amidon went to Stetson University but studied law at night in the office of Peterson and Carver in Lakeland. Judge Roy everyday ran up the long flight of stairs to the second

floor, while Judge Bob believed Otis made elevators especially for him.

But they had far more similarities than differences. Both were devout Christians who lived their Christianity on and off the Bench. Both loved the law and were devoted to truth and justice. Both understood human nature; and both liked most people, including the ones who came before them for sentencing. Both had lively senses of humor and had the ability to laugh at themselves.

Some people wrongly regarded Judge Amidon as a "hanging" judge and my dad as being more compassionate. In truth, both were very compassionate when they deemed it appropriate.

I was fortunate to have practiced law with my dad for several years before his death and to have spent so much time in a court under Judge Amidon. What might have been a cold, cheerless courtroom, came alive and seemed personal because of the personality of these fine judges. Each dominated the courtroom, usually with good humor, but with a cold, fearsome eye and demeanor when necessary.

That courtroom to me will always be "Judge Amidon's Courtroom" and I will feel his personality whenever I enter it.

My legal career of 50 plus years has been, for the most part, satisfying, with some failures and some successes. I enjoyed every day of it. Looking back, I find this courtroom a part of so much of it.

Here I tried my first jury trial (which I won- largely through luck - or maybe the jury felt sorry for me - or my client). Here I was sworn in as an Assistant Solicitor, starting over 40 years in various official positions.

Here I assisted Solicitor Clifton Kelly in the prosecution of the biggest "bolita" trials ever tried in Polk County. Bolita was a type of lottery which attracted mafia members for many years. Cliff Kelly was a gutsy practical prosecutor. He became an outstanding Circuit judge. I will always

remember him for teaching me that as a judge, "You've got to do right."

It was here I tried my first jury trial as a Circuit Judge. I well remember the case because long time friend Bob Trohn, defending the case, raised the "Dead Man's Statute" in objecting to the testimony of the first witness. Neither the Bench, Bar or legislature ever understood that law. I did not understand it either, but managed to make it through the trial without reversible error.

It was here as an Assistant Solicitor that I handled arraignments and guilty pleas before Judge Amidon every week. We handled traffic cases the same day. Those were the days when the ordinary citizen met the law and court justice head-on. And this was Judge Amidon at his best. The reputation of the court was enhanced, many people were put on the right track and justice was done.

A recitation of particular trials or events would make this too lengthy. However, I should mention one which, as a lawyer, I considered probably my best. It was a second degree murder trial in this courtroom. Jack Edmund, who went on to become one of the best criminal defense lawyers in Central Florida, certainly the quickest, (and my loyal friend) assisted me in defending the case. Some evidence indicated powder burns on the deceased's undershirt, but not on his outer shirt. Jack and I got a one-day recess from Judge Amidon. Armed with a shot gun and many pieces of cloth, we went to a clay pit where we proposed to shoot through the pieces of cloth to duplicate the evidence. We almost called off our experiment when Jack refused to hold the cloth while I fired through them. We finally agreed to alternate shots. The experiment was unsuccessful, but we won the case by virtue of working harder and knowing more about the case than did the prosecutor.

Any memory of this courtroom would not be complete without recalling the contribution of Circuit Judge Jesse H. Willson to it's personality. After distinguishing himself as the County Solicitor in the Hall of Justice, he became a Circuit Judge with Courtroom B as his courtroom. There he became the ideal judge of all of us who practiced before him and of every judge who knew

him. In his temperament, courage, knowledge and wisdom he was our model. It was my honor to have been his friend and to have been elected to fill his office when he retired. No one will take his place.

Lastly, it was here I heard my first juvenile case as a judge. Afterward, as nearly as I can estimate, I held approximately 7,500 juvenile cases, a large portion of them in Courtroom B. Of course, many of that number involved the same children. I feel safe in an estimate of 5,000 juveniles. This includes abused, neglected and abandoned children, habitual truants, and custody disputes. Also included were juveniles charged with various acts of delinquency ranging from second degree murder to malicious mischief. Whatever the reason for the child being in court, I am sure he, or she, remembers clearly the experience and remembers that courtroom. I believe, and certainly hope, that most of them were helped in becoming responsible adults. Many, I know, were not, as I later had them before me as adults.

I know that not only has the old criminal courtroom - Courtroom B, affected my life, but it has also directly affected the lives of more Polk County residents than any other room in the County. It is a monument to Polk County at its best.