

Wrong man convicted after sitting in for defendant

By PAUL BREMNER
St. Petersburg Times Staff Writer

Polk County Judge Edward Threadgill may look a little red in the face these days.

Threadgill convicted the wrong person of battery Tuesday, despite the pleas of the defense lawyer, the defendant and a 19-year-old stranger who had been recruited to sit in for the defendant in the courtroom.

The 19-year-old, Jeffrey Streeter of Haines City, was asked by the defense lawyer to sit in the courtroom where the defendant

normally would, while the real defendant sat in the audience, to see if eyewitnesses would identify the right man.

The courtroom tactic was successful — too successful. Streeter, the impostor, spent 18 hours in the Polk County jail because the witnesses identified him as the man who committed assault.

THREADGILL, who knew nothing of the charade beforehand, found Streeter guilty and sent him to jail.

On Wednesday, Threadgill decided he

had the wrong man. He turned Streeter loose and said he will dismiss the conviction in a day or so.

The bizarre case of mistaken identity had everyone blaming someone else. The defense attorney charged that the judge intentionally put the wrong person in jail. A state prosecutor, in turn, accused the defense lawyer of "unethical" conduct.

The incident began Monday with the non-jury trial of Lee Marvin Anderson, charged with assault, battery and resisting arrest.

The young man's attorney, Warren Dawson, said he did not think the eyewitnesses in the case really knew what Anderson looked like.

So Dawson left the courtroom and found Streeter, who was waiting for his brother in the corridor. He asked Streeter to go into the courtroom with him and be a silent fill-in for Anderson when the case was called before the judge. Anderson was to remain in the audience.

STREETER SAID Dawson told him, "When you go in here, you ain't gotta say

nothin'." Streeter asked Dawson if he could get in trouble for impersonating a defendant, and he said the lawyer told him no. So he agreed to go along.

"They brought in three witnesses who talked, and then they pointed at me," Streeter said. "They told me I was Lee Marvin Anderson, and they (the judge) said, 'Book him.' I wanted to leave but I couldn't, so I just sat there."

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Wrong man

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"The judge put a man in jail he knew was not the defendant," said Dawson.

Dawson said he beckoned Anderson to the rail and protested that this man was the real defendant, but the judge wouldn't let Anderson talk. Threadgill told the defense attorney and Anderson that he wanted to hear what Streeter, the impostor, had to say.

After that, Dawson said, "The judge in effect said that whatever your (Streeter's) name is, I find you guilty."

DAWSON said the conviction proves that he was right in questioning the reliability of the witnesses. He said the tactics he used have been used successfully elsewhere.

Morrow Bennet, director of the Polk County court division, which provides

prosecutors for misdemeanor cases, disagrees with Dawson about the ethics of using such tactics.

"Apparently, Mr. Dawson just had a great deal of fun doing what he did. My own view is that very few members of the bar would have done that," Bennet said.

Bennet said Dawson should have brought in a lineup of possible defendants rather than just one, but he confirmed that Dawson did nothing illegal.

Threadgill said there is no way he could have known that he was making a drastic mistake.

"I wasn't shocked when he (Streeter) got up on the stand and said he wasn't the real person. That's what 99 percent of them do," Threadgill said.

Threadgill said he had second thoughts because of all the "hullabaloo" Monday. On Tuesday, he decided Streeter is who he said he is and released him on his own recognizance. He said he expects to dismiss the verdict.

'Favor' Lands Him In Jail

JANE BAUMANN
Staff Writer

An 18-year-old Haines City man spent about 18 hours in jail after he agreed to do a "favor" yesterday for a Tampa attorney.

Jeffrey Streeter was released from the Polk County jail about 9 a.m. today after a bizarre case of planned mistaken identity during a nonjury Bartow trial. He was convicted of another man's charge when he sat in a courtroom next to attorney Warren Dawson, who says "justice got off track somewhere" in the case.

Streeter went to the courthouse to wait for his 28-year-old brother Arthur, according to his mother Ann Streeter. Arthur was to be sentenced on a robbery charge. Arthur was sentenced to probation and went home — but Jeffrey did not.

"I sent Jeff down there with the car to bring Arthur back," said Mrs. Streeter. "While Jeff was sitting there, some lawyer says to him, 'come on with me and do a favor.' Then they put Jeff in jail."

Attorney Dawson, who was representing Lee Marvin Anderson on misdemeanor charges of assault, battery and resisting arrest without violence, said he asked Streeter to

accompany him into the courtroom where Anderson was scheduled for trial yesterday before Polk County Judge Edward Threadgill Jr. Anderson was in the spectators section of the courtroom, but Streeter sat next to Dawson at the defense table — where defendants normally sit.

Dawson said today he planned a "trial tactic" to prove that prosecution witnesses could not identify the true defendant. "I believed that no witness had any independent recollection of who the defendant was. I believed they could not identify him (Anderson), and my theory proved correct," he said.

During the trial, three prosecution witnesses identified Streeter as the person who committed Anderson's alleged offenses. Based on the testimony, the charges of assault and resisting arrest were dismissed. But Dawson's "trial tactic" backfired because Threadgill convicted Streeter of battery and sent him to jail to await sentencing.

Before Streeter was convicted, he testified that he was not Lee Marvin Anderson. "He even showed them his driver's license," Streeter's mother explained. "That's all he had to show them. His name isn't that man's name. He's a Streeter."

Dawson said he told the judge that Streeter was not the

defendant. He called the real defendant — Anderson — to the front of the courtroom, and Anderson identified himself, he said.

"The judge wouldn't even listen — he wouldn't even hear from Lee Marvin Anderson," said Dawson. "The judge knew (Streeter) was not Anderson before he found him guilty. He knew about it before the state rested its case. I thought he would be a gentleman judge and respond to a trial tactic by dismissing the charges. Most judges would have had the judicial temperament to do that. Justice got off track somewhere, but not because of my doings."

Judge Threadgill could not be reached for comment this morning. Dawson said that after a conference early today with Threadgill, the judge agreed to release Streeter from jail.

"This (tactic) has been done before; it's not something new," said Dawson. "I believed that whoever was sitting or standing next to the defense attorney would be identified as the defendant. But no one who is familiar with justice would have thought this would be the result."

"It's a mess," said Mrs. Streeter. "Jeff didn't do anything. It wasn't him. He was supposed to go work in the grove with his father, but I sent him to bring his brother back. I should have sent him to work."

Which defendant is which?

BARTOW, Fla. (AP) — Jeffrey Streeter, 19, swears he'll never do another favor for a stranger. His last favor landed him in jail after he stood in for the defendant in an assault trial — and was found guilty.

"And I'm afraid it's not over for me yet. They could send me back and make me serve time," the Haines City youth said.

Streeter was recruited to stand in for the real defendant in an assault and battery case by a defense attorney who said he wanted to prove witnesses could not identify the attacker.

"It was a real shock when I got convicted and sent to jail," Streeter said after he was released on his own recognizance Wednesday. "I told them I wasn't the real defendant, but they wouldn't believe me."

It was Streeter's first time behind bars, he says, and he didn't like it one bit. "I'm never going to stick my nose in nothing again. No more favors. Never."

The switch occurred Tuesday as attorney Warren Dawson represented Lee Marvin Anderson in a non-jury trial before Polk County Judge Edward Threadgill on charges of assault, battery and resisting arrest in the beating of a 67-year-old man.

"I doubted the witnesses knew who Lee Marvin Anderson really was," Dawson said. He found Streeter in the corridor of the courthouse and asked him to sit in when An-

der's case was called. Streeter said he agreed after Dawson assured him he couldn't get in any trouble.

According to testimony, the assailant was angry that Francis Garell's car was parked too close to his own and knocked Garell down.

Threadgill, who was unaware of the switch, found Streeter guilty of battery, sent him to jail and called for a presentence investigation. Possible penalties range from probation to one year in jail.

Streeter and Anderson are both black. Garell said

there were few blacks in Johnstown, Pa., where he worked before retiring to Florida.

"Since he was sitting at the defense table I just assumed that was the man," Garell said Wednesday. "So did everybody else. "If they had the real man up there I couldn't be certain I could identify him. It happened three months ago and it was getting dusk."

Dawson says that was his point — witnesses tend to identify the person sitting at the defense table. He said he rose after the identifications to tell of the switch and brought An-

der's case forward.

"The judge put a man in jail he knew was not the defendant," Dawson said.

Paul Bennett of the state attorney's office said the judge had no choice. "The only evidence before him was (that) the gentleman in front of him was in fact the one who was charged," he said.

Bennett said his officer is considering refiling charges against Anderson, who has never been jailed in the case. Although no dates are set for further proceedings, the judge says Streeter will have to return for sentencing unless the case is set aside.

'Wrong man' defendant wins conviction reversal

BARTOW, Fla. (AP) — Jeffrey Streeter's second day in court went much better than the first. This time he went home.

Two weeks ago, Streeter thought he was doing a stranger a favor when he agreed to stand in for a man charged in an assault case.

He never dreamed he would be convicted. But he was.

Polk County Judge Edward Threadgill reversed that conviction Monday, saying the wrong man had been found guilty in the July 15 trial.

Streeter's trials began when Tampa attorney Warren Dawson spotted him in a hallway outside the courtroom and asked him to

sit in for defendant Lee Marvin Anderson.

Dawson didn't tell the judge about his spur-of-the-moment switch, an idea he concocted to prove that witnesses couldn't identify Anderson. Three eyewitnesses then proceeded to identify 19-year-old Streeter as the person who beat up an old man in a parking lot on April 17.

Before delivering his verdict in the non-jury trial, Judge Threadgill was told of the substitution, but he said he had no alternative but to find Streeter guilty based on the evidence.

Streeter spent the night in jail before being released on his own recognizance.

BADE HITS

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said if he loses in the August 5 primary election, he would not support Rep. McDonald against his Republican opponent.

Bade charged that McDonald has been absent during various forums and meetings in the Seventh Dis-



DANIEL'S

By PAT LEISNER
Associated Press

BARTOW — Saying he wanted to correct an error, a judge Monday threw out his conviction of Jeffery Streeter, a bystander who filled in for the defendant in an assault case and was convicted.

On a defense request, Polk County Judge Edward Threadgill set aside the guilty verdict he imposed on the Haynes City youth July 15 following a nonjury trial in an assault and battery case.

With a big smile, Streeter, 19, said he was "pleased and relieved" the two-week ordeal was over.

HE HAD agreed to do a favor for attorney Warren Dawson, a stranger, who asked him to sit in for the real defendant, Marvin Lee Anderson. Dawson didn't tell the judge about the switch until after three eyewitnesses identified Streeter as the culprit who had beaten an old man.

The lawyer said he didn't believe the eyewitnesses could identify Anderson — and he was right.

The judge, indicating he was left with no alternative based on the evidence, found Streeter guilty of battery and sent him to jail. He released him the next day on his own recognizance.

Dawson apologized to the court and said he meant no fraud or embarrassment. The judge accepted that, saying Dawson's action was misguided and inappropriate but not intended to obstruct justice.

Stand-in defendant is cleared

Threadgill was also faced with the thorny issue of what to do about Anderson — the real defendant. Dawson insisted that to try him now would be double jeopardy and a violation of Florida's law requiring trial within 90 days of the offense.

"If you hold that there was a trial, to retry him would constitute double jeopardy,"

Dawson argued. "If you say there was no trial, you would have to dismiss under the speedy trial law."

JAMES HORRELL, an assistant state attorney, argued the request was "preposterous and ridiculous." He said Anderson had not been tried, had not been even available to be tried, because he was "hiding incognito behind another person."

Threadgill agreed and ordered Anderson to stand trial on the original charges of assault and battery.

Afterward, Streeter's attorney said he is not finished fighting the case. He had wanted the judge to remove from the record any reference to Streeter.

The judge said he couldn't remove his participation in the courtroom and left that area open.

"Fairness demands total expungement," said Jackson. "We will have to examine this entire matter to see whether it should be taken up in another forum — whether federal remedy or another state remedy."