

Evans and Ledbetter

CALIFORNIA

ON August 30, 1929, Harry D. McDonald was arrested by the sheriff of Los Angeles County on a charge of conspiracy to violate the Wright Act in receiving stolen property. McDonald admittedly had a criminal record for felonies. Nevertheless, he surprised the District Attorney by confessing numerous conspiracy transactions involving over fifty officers of the Los Angeles Police Department. McDonald implicated most of these guardians of the law in schemes of bribe taking to prevent prosecutions.

Two of the officers so charged by McDonald were Walter E. Evans and Miles H. Ledbetter, officers in the Department of Detectives. McDonald's confession concerned twenty-five or thirty stolen diamonds which he had purchased from one Jack Hawkins in August or September, 1927. About a year later, McDonald was questioned about these diamonds by Officer Reavis. McDonald said that he thereupon telephoned his friend Patrolman Ledbetter, who called at his place of business, nominally a bathhouse, at which time Ledbetter said that he would talk the matter over with Detective Lieutenant Evans, and call again the following day, Saturday. Evans and Ledbetter were said to have called on Saturday, and, stating that Jack Hawkins had confessed to the San Francisco police that he had sold the stolen diamonds to McDonald, demanded \$1,000 to hush the matter up. McDonald said further that the matter was thereupon hushed, and that, on the day following, he paid \$750 in currency to these two officers. Mrs. McDonald and Elizabeth Pierce, a maid at the McDonald place, corroborated the fact that \$750 had been paid to the officers. McDonald set the date of this transaction as sometime around October 1, 1928.

McDonald, his wife, and the maid were called before the Grand Jury to repeat their stories, and Evans and Ledbetter were consequently indicted on the charge of having received a bribe of \$750 from McDonald upon their agreement

not to arrest and prosecute him on a charge of receiving stolen property. They were called for trial before Judge William C. Doran in the Los Angeles County Superior Court. Deputy District Attorney William R. McKay represented the state, and Alfred F. McDonald and Theodore C. McKenna represented the defendants.

The only additional testimony against the defendants was on the admitted fact that Mrs. McDonald and Mrs. Ledbetter were friendly. Evans and Ledbetter both testified in their own defense. They admitted calling at McDonald's place on *a* Saturday and on *a* Sunday in 1928, but said that this was on July 7 and 8, 1928, and concerned the Oswald diamond robbery; they also maintained that they knew nothing and had heard nothing of any diamonds McDonald said he had purchased from Jack Hawkins; and they denied absolutely that they had ever received \$750 from their accuser. In rebuttal, both Mr. and Mrs. McDonald testified that, on the Sunday prior to July 4, they had moved to a bungalow at Venice, California, and that McDonald was not in Los Angeles for the two weeks thereafter. The case was submitted to the jury, which, apparently believing the McDonalds rather than the defendants, returned a verdict of guilty. They were sentenced on November 7, 1929. Their conviction was affirmed on appeal, and their motions for new trials, on the ground of newly discovered evidence, denied. On July 2, 1930, they started to serve their terms in San Quentin.

INVESTIGATIONS of the matter were, however, continued by the authorities. No record could be found that Hawkins had made any statement to the San Francisco police regarding stolen diamonds or that such a matter had been reported to the Los Angeles police.

The daily detective reports in the files of the Police Department, which were admittedly genuine but which for some reason were not accepted in evidence at the trial, showed that on June 16, 1928, two valuable diamond rings had been stolen from Mrs. Nick Oswald. Detective Lieutenants Stone and Evans were assigned to the case. They started a sys-

tematic investigation. On Saturday, July 7, Mr. Oswald telephoned to detective headquarters to say that he suspected McDonald, remembering that McDonald on one occasion had greatly admired the very diamonds that were later stolen.

On July 7 and 8, Lieutenant Stone was off duty, so Evans requested Detective Captain Vernand to assign some detective who knew McDonald, to assist him in the investigation. Ledbetter was chosen, and together he and Evans went to McDonald's place. McDonald denied any knowledge of the Oswald diamonds. Yet McDonald told the officers that he might be able to find a clue to the missing diamonds if they would call the following day. They called on Sunday, July 8, and received a "tip." On Monday, July 9, Stone reported again for duty, and he and Evans continued the investigation until July 25, at which time the case was closed. Ledbetter was on the case, therefore, for only two days, July 7 and 8; and he had been taken to McDonald's place by Evans, and not as the result of a call from McDonald, as the latter testified. It was further discovered that on July 9 McDonald had signed the safety-deposit record of the Bank of America, at the branch at Main and Washington Streets, Los Angeles, a day when both Mr. and Mrs. McDonald swore that he was out of town. It was found that the maid, Elizabeth Pierce, had not entered the employ of the McDonalds until after August 8, so that she could not have been present on July 7 and 8. These disclosures and other facts later discovered, coupled with McDonald's previous record of felonies, convinced the authorities, including the District Attorney, the Advisory Pardon Board, and Governor C. C. Young, that the testimony of the McDonalds and their maid was wilfully false and that, in truth, Evans and Ledbetter were entirely innocent of the charges made by McDonald. On January 5, 1931, Governor Young granted them full and unconditional pardons, and they were forthwith given their freedom.

But this was not the end of the matter. Defense Attorney Theodore C. McKenna presented petitions to the California State Board of Control for indemnity under the California

statute of 1913, providing indemnification for erroneous convictions. The Board recommended to the Legislature that Evans be compensated in the sum of \$4,533.36 and Ledbetter in the sum of \$3,313.39, which they duly received.

THE convictions of Evans and Ledbetter rested solely upon the perjury of the prosecuting witness, his wife, and maid. We have seen that the police occasionally conspire, by suppression of evidence, to convict an accused person of tarnished character. In the present case the actors are reversed. Why it was not possible to establish the true facts at the trial is hard to explain. It is not understood why the police records of June and July, and particularly of July 7 and 8—the dates when Evans and Ledbetter did call upon McDonald—were not admitted in evidence. Taking advantage of the fact that the police officers did call upon him, but by misrepresenting the dates and the purpose of the call, McDonald swore away the liberty of two police detectives. The perjurers were sufficiently impressive before the jury to overcome the truthful stories of the officers. Subsequent developments confirmed the accuracy of the officers' account of the transaction and the complete error of the conviction. They received at least some compensation for the misfortune and, through that compensation, public vindication. Although there appear to be some people in Los Angeles who question the advisability of compensating the two police officers here under consideration, the editor feels justified in accepting the record made by the state officials as evidence of their innocence.

BIBLIOGRAPHY

1. *People v. Ledbetter*, 288 Pac. Rep. 832 (May 28, 1930).
2. Recommendation of the Advisory Pardon Board of California to the Governor in the cases of Walter E. Evans (S.Q. No. 48749) and Miles H. Ledbetter (S.Q. No. 48750).
3. Record of the California State Board of Control, *ibid.*
4. Acknowledgments: Hon. Webb Shadle, Assistant Secretary, State Board of Control, Sacramento, Calif.; Hon. George A. Benedict, Deputy Public Defender, Los Angeles, Calif.