

## *Sidney Wood*

CALIFORNIA

**T**HREE masked bandits boarded an interurban electric car between Los Angeles and Pasadena about 8.00 P.M., November 7, 1923. One stayed on the rear platform, a second went to the front of the car, and the third searched passengers after the man at the rear fired three bullets through the roof to show that they meant business.

The looting completed, the bandits forced the motorman to stop the car. They jumped off, ran to an automobile waiting near by with a fourth man at the wheel, and escaped in the darkness.

After a brief investigation the suspicions of the Los Angeles police fell upon two brothers. They were interviewed at their home in Los Angeles. They were entertaining a guest—Sidney Wood. The brothers accounted for their activities the night of the holdup satisfactorily, but Wood's story was not believed and he was held for further questioning.

A check-up showed that he had not told an entirely truthful story, though his past record appeared to be spotless. Investigation disclosed that he was a British subject, as he claimed, and that he had spent most of his life in the British navy or on British merchantmen. He had signed off a ship at San Pedro a week before his arrest.

He explained his presence at the brothers' home by saying that he had known one of them at sea and had been invited to visit at their home when he came to Los Angeles. This the brothers confirmed.

At the police station, however, Wood was identified by both the motorman and the conductor of the interurban car as the man who stood on the rear platform and directed the holdup. This identification, together with his unsatisfactory explanation of his whereabouts the night of November 7, convinced the police of his guilt.

An information was filed against him by the district attorney charging robbery, in the first degree, of \$35 and jewelry from one of the passengers on the car.

The trial which followed ended in a disagreement of the jury; and the district attorney was about to drop the case,

when a witness appeared who had been a passenger on the car and positively identified Wood as one of the bandits, and at the second trial several other passengers confirmed this identification. They based it on a similarity in the eyes, the lower part of the forehead, and the upper part of the nose, these features being all that was visible behind the mask worn by the man on the rear platform. The witnesses also said there was a strong resemblance in the defendant's general physique.

Wood's only defense was an alibi which was not well supported, and his previous good character and excellent record in the British navy and merchant marine. Because of the obvious weakness of the alibi, combined with the positive identifications, the jury returned a verdict of guilty as charged on March 3, 1924.

Two days later, when he was brought before Judge Walton J. Wood for sentence, his counsel, W. J. Laney, told the court that he would make an oral motion at once for a new trial, on the ground that the verdict was not supported by the evidence. He indicated that he would file a formal motion as soon as he could get a transcript of the evidence.

The court replied:

If that is the ground for your motion, if there ever was a case where the evidence was sufficient to uphold that verdict, it was this case. If the court did not agree with the jury he would set it aside; so far as the evidence is concerned, there is evidence to support the verdict. The witnesses saw him in the act. . . .

The motion was accordingly denied, and Wood was sentenced to San Quentin for five years to life. Mr. Laney requested a stay of execution of five days, saying that the British Consul had called him that day and said he would like to have an opportunity to investigate the case before sentence was passed. Judge Wood granted Mr. Laney two days and told him that further continuance might be granted if necessary after that. A week later, however, Wood was received at San Quentin to begin serving his sentence.

. . . .

THE Los Angeles police and detectives of the Pacific Elec-

tric Railway Company continued the search for the other three men known to have been involved in the crime. Among the railway detectives there was some doubt even then that Wood was guilty. Mr. Laney was convinced that his client was innocent and was finally able to impress the detectives with his theory.

Efforts to discover the actual culprits were doubled after one of the railway's agents reported to the vice-president of the company that he seriously doubted Wood's guilt.

Not until January of the next year, 1925, however, was a clue found. At that time police learned that the men they wanted were James Hovermale, Mark Godfrey, a boy of seventeen, Roy Smith, and Russell Smith. They were not found in their usual haunts, and no trace of them was discovered until police were informed that they were hiding in Idaho.

Investigation in Idaho disclosed the whereabouts of Hovermale and Russell Smith. Presently Godfrey was located, when a man and a woman who owned the ranch where he was employed told police that he had confessed his part in the holdup to them when he learned that Hovermale, his brother-in-law, was in custody.

Hovermale, Russell Smith, and Godfrey were extradited to Los Angeles. On April 10, 1925, Godfrey made a complete confession to the police, in which he said he was forced by Hovermale, under threat of death, to take part in the robbery. He said that he was the one who had collected the money and jewelry from the passengers, that Hovermale was the man who stood on the rear platform, that Roy Smith covered the motorman, and that Russell Smith drove the automobile in which they escaped. Asked where Roy Smith was hiding, young Godfrey said he understood that he went to Canada, but he had heard nothing from him or about him since the holdup.

Informations charging robbery in the first degree were filed against all four, and the three in custody were brought to trial. Godfrey was acquitted because of his youth, his assistance in the solution of the crime, and the circumstances of his participation in the robbery. Russell Smith and

Hovermale were found guilty and sent to San Quentin. Their motion for a new trial was denied and their appeal to the Supreme Court was dismissed.

On May 5, 1925, about a year and a half after he was arrested, Sidney Wood was pardoned by Gov. F. W. Richardson and was given \$100 by the Governor, according to Mr. Laney, who never saw his client after his release.

Wood's predicament was purely accidental. It became grave because his alibi was not accurate, alone a ground for suspicion. When this was coupled with his identification by the motorman and several passengers, he was beyond help. The identifications of Wood rested on an observance of certain features of a man's face left uncovered by a mask—hardly a satisfactory basis for so important a conclusion. The fact that Mr. Laney felt convinced of his innocence and that he ultimately convinced the company's detectives of that fact, supplied the necessary motives to continue the investigation until by chance Godfrey's disclosure in Idaho unraveled the mystery. Governor Richardson's generosity to the extent of \$100, while much to be appreciated, should not have been required, for under the California law of 1913 Wood was in a position to claim an indemnity from the state for the injuries he had suffered.

#### BIBLIOGRAPHY

1. Records of the Superior Court of Los Angeles County, California, in the cases of: *People v. Sidney Wood*, No. 21,348; *People v. James E. Hovermale and Roy Smith*, No. 23,625; *People v. Russell Smith, Mark Godfrey, and Roy Smith*.
2. *The People v. James E. Hovermale*, 76 Cal. App. 91-101 (1925).
3. *The People v. Russell Smith*, 76 Cal. App. 105-113 (1925).
4. The Pardon granted to Sidney Wood; pp. 3-5 of the "Message of Governor Richardson Regarding Acts of Executive Clemency, Jan. 3, 1927."
5. Acknowledgments: Mr. George A. Benedict, Los Angeles, Calif.; Mr. Willard J. Laney, Los Angeles, Calif.; Mr. Frank Karr, Los Angeles, Calif.; Mr. Mark E. Noon, San Quentin, Calif.