Lloyd Prevost
Michigan

On the freezing cold morning of December 24, 1919, farmers found J. Stanley Brown dead in his Dodge sedan on the Drefahl road, just above Dead Man’s Curve, three miles west of Mount Clemens, Macomb County, Michigan. The dead man’s left hand was grasping the steering wheel, his right hand was hanging helpless, and his hat had fallen from his head. Brown had been shot four times in the back of the head by someone who was within close range. The coroner found that Brown had died at about eleven o’clock the previous night. Blood from the bullet wounds was found on the floor boards of the car, and some had flowed through on the snow, where it had congealed. Tracks leading away from the machine were visible in the snow, indicating that a man had run away from the car toward Mount Clemens. Measurements of the footmarks were taken; it appeared that the murderer had worn rubbers. The lights were still burning on the car when it was found. On Brown’s body were found his diamond ring, three bankers’ checks for $20.00 each, and $2.00 or $3.00 in currency.

Stanley Brown was twenty-six years old. He had married Ruth Prevost and there were two children. Difficulties had arisen between Brown and his wife which had led to their separation. Brown was suing for a divorce, naming a correspondent and questioning the paternity of the youngest child. Brown’s father had left him about $100,000 in trust, which provided an income of about $250 a month. Several months before Brown’s murder, he had received a portion of the principal of the trust fund.

After Brown separated from his wife, he lived with a friend of some years’ standing, Lloyd Prevost, first at Brown’s own house, then later at the Edison Hotel in Mount Clemens. Lloyd was a first cousin of Stanley’s wife and had been raised at Mount Clemens. Lloyd and Stanley were close companions, although Lloyd worked as a mechanic and truck driver for Adams Express, whereas Stanley was not employed, sleeping a great deal in the daytime and spending
much time out at night. Frequently, he did not return to
his lodgings during the night. In view of their close associa-
tion, it was not unnatural that, on the morning of December
24, when Brown’s body was found, the officers should get
into immediate touch with Lloyd Prevost and obtain as much
information from him as possible.

Prevost told them that he and Brown had left the Edison
Hotel at about nine o’clock or shortly after, driven to Cass
Avenue, and stopped in front of Carter’s real-estate office,
where he had gotten out of the car (about 9.15 or 9.30) and
visited for a time with Mr. Graham. Brown drove away and
Prevost said that that was the last time he had seen him.
Prevost also said that soon after, he returned to the hotel
and went to bed, that he had never owned a gun, and that he
had not had one for months. The proprietress of the Edison
Hotel and her nephew corroborated Prevost’s story that he
had not left the hotel after about 9.30, when he retired.

Then the investigators started out to learn everything
else they could about Brown’s activities on the fatal eve-
ning. Prevost had told the chief of police that when he left
him Brown was going to visit the Marins. The Marins re-
ported that Brown had called there about 9.15 and had eaten
a meal prepared for him by Mrs. Marin, who was also a
cousin of Lloyd Prevost. While eating, Brown was said to
have told Mrs. Marin that he had a date with Lloyd and that
he was going out into the country to get some liquor. The
Sunday night previous, Stanley Brown had also visited the
Marins and mentioned liquor stored out in the country.
Brown left the Marins after ten o’clock, headed for down
town.

While the thread of the story of how Brown spent the last
hours of his life was being worked out, every conceivable cir-
cumstance having a possible connection with the murder was
investigated. It appeared that none of Brown’s money or
securities had been disturbed. The footprints were photo-
graphed. Searches were made for guns in connection with
each suspect, and all persons knowing anything about the
case were carefully interrogated. The Prosecuting Attorney
for Macomb County, Lynn M. Johnston, received the per-
sonal assistance of the Attorney-General of the state, Alexander Groesbeck, later to become governor, and of Bert V. Numneley, as special counsel.

It appeared that Stanley Brown had broken off relations with his wife because of her alleged association with other men. Brown and two of these men, taxicab drivers, had had public fights over the matter and they had sworn to get even with him. One of these men, Benjamin Schonschack, was named as correspondent in Brown's divorce suit. Here was an apparent motive; but both men furnished proof that satisfied the authorities that they knew nothing about the murder.

The investigators were told by the nephew of the proprietor of the Edison Hotel that Brown returned to the hotel about 10.30, went up to his room, came down again with Prevost, and that when he last saw them Brown was seated in the car and Prevost was standing outside, both joking about drinking some liquor. Several persons saw the friends at that time.

The proprietor of the hotel finally came forward with the story that Lloyd had not come back into the hotel at 10.30, but that he came in alone, very quietly, at about two o'clock the next morning. Both she and her nephew said that Lloyd had asked them to say that he had come home at 9.30. It thus appeared that Lloyd had misstated vital facts when first questioned. When called upon for further explanations, Prevost replied that he had learned that he was suspected of the murder and that upon advice of counsel, he refused to make any statement on the ground that it might incriminate him. In the preliminary inquiries, as well as throughout the trial, Mrs. Brown also refused to testify on the same ground.

The taxi driver Schonschack reported that he had seen Brown's car headed for Cass Avenue about 10.30, and that it was occupied by Brown and Prevost.

Information was received that on the Sunday night prior to the murder, Lloyd Prevost had a revolver at the Edison Hotel, and that he then requested two young men to procure some bullets for him. There was some indication that
this was a .38 revolver, the size which had been used in mur-
dering Brown. The officials found a .38-caliber revolver in a
drawer at the Adams Express office where Lloyd worked, and
it was partially identified as the one he had had on the
Sunday prior to the murder, although several persons were
firm in their statements that the Adams Express pistol had
not been out of the cash drawer for many months until
turned over to the authorities, and that at that time it was
covered with dust.

The chain of circumstantial evidence was drawn about
Prevost very closely when Ballistics Expert William H.
Proctor of Massachusetts said that the death bullets had
passed through the Adams Express gun and that the gun
when last fired had been fired four times. The state officers
also worked up a theory that the footprints in the snow near
the death car might have been made by Prevost's shoes, old
army shoes which he admitted wearing on the night in ques-
tion.

As a motive for Lloyd Prevost to murder his closest
friend, it was stated that he had been very friendly with
Brown's wife; and one of the latter's friends reported that
she had at one time spent a night at the Brown home when
Prevost was also there, and that she had seen Mrs. Brown
enter Prevost's room at about one o'clock and stay there
until four.

These various facts were developed, along with a great
mass of other material, in a special statutory proceeding enti-
titled, People of the State of Michigan v. John Doe, a pro-
ceeding against no named or particular individual, but one
in which all persons were called upon, separately, to tell what
they knew about the case. As has been related, upon the ad-
vice of counsel, Prevost refused to testify in this proceeding,
on the ground that to do so might incriminate him. After
innumerable conferences with prospective witnesses, the
prosecuting attorney of Macomb County, on March 13,
1920, filed an information in first-degree murder against
Lloyd Prevost. On the same day, Prevost was arraigned and
"stood mute, and thereupon a plea of not guilty was entered
by order of the court." The trial opened on May 14, 1920,
before Judge Fred S. Lamb of the Macomb County Circuit Court. The defendant was represented by Lungerhausen, Weeks and Lungerhausen, William T. Hasner, and James McNamara. The trial lasted about four weeks and was fiercely fought by both sides. It seemed evident that Attorney-General Groesbeck was thoroughly convinced of the prisoner's guilt. The passion with which the case was contested at times even affected the judge, who seemed to believe that something was being concealed.

Throughout the trial Mr. Groesbeck persistently wove the web of circumstantial evidence about Prevost. When witnesses were reluctant to answer his questions, he was ever ready with the full transcript of their testimony in the John Doc proceedings to refresh their memories, or to contradict them. These proceedings were in his exclusive possession and were turned over in part to defense counsel only later by order of court. Many of the state's witnesses were closely related to the defendant and it required all of the Attorney-General's adroitness to procure the testimony desired.

Lloyd Prevost took the stand in his own defense. He stated that on the night of the murder he had returned to the hotel at about 9.30, and that he went to his room and fell asleep on the bed, dressed. He was awakened after ten o'clock by Brown, who had returned to get a quart of whiskey which was hidden under the mattress. He went downstairs and out to the automobile with Brown. He admitted that he had been in front of the Edison Hotel with Brown at 10.30, as others had testified, and that Brown had insisted that he go along on a "party," but he denied that he had ridden away with Brown. He said that after Brown drove away he went back to his room and to bed, and that he did not leave the hotel again that night. He also said that this was the last time he saw Brown. By this testimony he contradicted the proprietress, who had stated, as her last version of the affair, that Lloyd had returned at 2.00 A.M. the following day, and also the testimony of the taxi driver, Schonsechack, who had stated that he had seen Brown and Prevost in the former's car at about 10.30. The credibility of the proprietress was attacked by the production of evi-
dence to show that she had been convicted in Pennsylvania of conducting houses of prostitution, and that of the taxi driver, by showing his enmity to both Brown and Prevost, for he was the correspondent in Brown’s divorce action.

As to the pistols, Prevost admitted that he had obtained some bullets for a revolver on the Sunday prior to the murder, but he insisted that it was a .32-caliber gun and belonged to Brown. The gun was produced in court. The prosecution, however, produced witnesses to show that this gun had been in a place inaccessible to Prevost for years past and had not been taken from that place until one week prior to the trial. Defense witnesses testified that the Adams Express revolver had not been away from the office for months until delivered to officials, but this was contested by the testimony of the ballistics expert and somewhat by the testimony concerning a revolver on the Sunday evening preceding the murder. The defense did not have an expert who could forcefully contradict the prosecution’s ballistics expert concerning the death bullets and the Adams Express revolver. Defense experts were metallurgists and chemists.

Prevost denied absolutely the alleged incident of Mrs. Brown’s coming into his bedroom. He explained that he treated Mrs. Brown as the wife of his best friend and as his own cousin. They were good friends and dined together occasionally, sometimes with and sometimes without Brown. As to the friendship between Stanley and himself, Lloyd testified that they were the closest of friends and that they had been planning to go to Florida to enter business in January, 1920.

The defense endeavored to prove that the footprints of the murderer showed that he had worn rubbers and also that the prints were much larger than Prevost’s shoes. Rubbers had in fact been looked for by the prosecution, but not finding any, they fell back on the theory that the footprints were made by army shoes.

Seven of the leading business men of Mount Clemens testified as to Prevost’s good reputation for truth and honesty.

From the testimony produced by both sides in court, there
seemed to be a strong basis for the impression that the prisoner knew more about the murder of Brown than he had admitted, and for the impression of the judge that the defense was endeavoring to hide something.

There were other points raised too numerous to narrate. After extended arguments, the case was submitted to the jury on June 4, 1920, and after less than three hours' deliberation, it returned a verdict of guilty of murder in the first degree. On the following day, the defendant was sentenced to life imprisonment, Michigan having abolished the death penalty. A motion for a new trial was denied. The case was appealed to the Supreme Court of Michigan, which, with two dissents, sustained the conviction on July 20, 1922.

Prevost was sent to the state prison at Jackson, where he was assigned to the hospital staff. His proficiency earned him promotion, in five years, to the position of first assistant to the doctor in charge.

In view of Prevost's persistent claims of innocence, and in the light of his exceptional prison record, the case was thoroughly investigated in the fall of 1930 by the Michigan Department of Public Safety, which submitted a full report, including the developments subsequent to the trial. A hearing was held at Jackson by the State Commissioner of Pardons and Paroles, Richard W. Nebel, on December 20, 1930, on Prevost's petition for a pardon on the ground of innocence. The petitioner told the story which he had given at the trial and on all occasions thereafter, and those having to pass upon it were impressed with its truthfulness. It was learned that the proprietress of the Edison Hotel had been convicted of disreputable practices to such an extent that her testimony could be given little weight, especially in view of the fact that her stories had varied. It was admitted that for weeks prior to the trial prosecution witnesses were thoroughly drilled in midnight sessions by the Attorney-General. It was further learned that the corespondent taxi driver who had testified to seeing Prevost driving with Brown at 10.30 on the fatal night had been far from sure of it when first...
questioned, and in this matter he could be little relied upon because of his antagonism to both Brown and Prevost. Upon reviewing the pistol and the footprint testimony, it was felt to be very flimsy. The Prosecuting Attorney, Lynn Johnston, is reported by Commissioner Nebel to have stated that he "did not believe Prevost was guilty of the crime," and that the conviction was obtained largely through the overwhelming influence of Mr. Groesbeck with the jury. In addition, convincing information seems to have been presented to the authorities indicating rather pointedly who the persons were who had actually perpetrated the crime. In view of all these facts and circumstances, it was concluded that Prevost was innocent and a pardon on his behalf was recommended. The Governor of Michigan, Fred W. Green, granted the pardon on December 29, 1930.

This is a case of circumstantial evidence. It would appear from the report of Commissioner Nebel, after an exhaustive investigation by the Department of Public Safety, that there was little to connect Prevost with the murder and that the evidence on which his conviction was obtained was to a considerable extent perjured. The report indicates that the prosecution's witnesses were drilled in their testimony and that the Attorney-General decided to prosecute Prevost only after Prevost declined to state, on the ground of ignorance, who actually committed the crime. The testimony of the proprietress of the hotel as to Prevost's coming back about 2:00 A.M., of the taxi man that Prevost was seen in the car with Brown after 10:30, of the identification of the revolver as the Adams Express revolver, of the allegation that the footprints were made by a shoe and not by rubbers, together with the apparently overwhelming influence of the Attorney-General, were enough to convince the jury. The report of the Commissioner indicates that the testimony of the hotel proprietress and of the taxi man was perjured; that the ballistics expert was mistaken, for the Adams Express revolver could not have been the fatal weapon; and that five jurymen in affidavits maintained that they voted for convic-
tion in the belief that the guilty man wore no rubbers, and that had they realized that he did wear rubbers, they would not have so voted. The report shows that the real motive for the murder was to put Brown out of the way before he had divorced his wife, who by the divorce would have been penniless. Prevost's refusal to talk before trial, whether he knew anything about the killing and whether justified or not, certainly did not help him; in fact, it seems to have aroused the Attorney-General against him. On the whole, the case may be deemed to show that the supposed privilege against self-incrimination is of but little if any help to an innocent man.

BIBLIOGRAPHY


