St. John Barrett,
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MWH:mcr 144-19M-319

Macco W. Hubbard, Head,
Doc Process Unit

D. A. K.

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~~144-19M-316~~ 827
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144-19M-319 830

Dawson, Georgia, cases

These cases involve five incidents of alleged deprivations of the victim's rights. In two of them, the victims (Brazier and Countryman) were killed by the same subject (Officer Cherry). In a third incident, the same subject shot victim Latimer. The other two cases involve alleged beatings of victims by police officers with less serious consequences. For the reasons hereinafter set forth, it is believed that at least four of these cases should be presented to a grand jury.

I.

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Subjects: Officers Weyman D. Cherry and
Randolph E. McDonald
James C. Brazier - victim
144-19M-313

During the afternoon of Sunday, April 20, 1938, Officer McDonald arrested the victim's father for driving while intoxicated. The victim arrived at the scene of the arrest at or about the time the officer struck the father with a blackjack. According to the officer, the victim, in protesting, threatened him with bodily harm. However, the victim left the scene at the officer's command without further ado.

Later, Officers McDonald and Cherry went to the victim's home for the purpose of arresting him for interfering with and threatening an officer.1/ According to

Chrono
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1/ A Justice of the Peace's Docket indicates that a warrant for the victim's arrest was issued under date of April 20, 1938. However, the entry in the Docket is irregular, appearing after the entries of other warrants admittedly issued two months later and hence giving rise to the suspicion that it was issued after the initiation of the FBI investigation. Further, the Justice of the Peace became nervous and excited when interviewed by the FBI. In this connection, it is to be noted that nowhere in either McDonald's or Cherry's statements to the Bureau is there any indication that they procured a warrant at the time of the arrest. Under Georgia law, the arrest was illegal in the absence of a warrant. See, Yancey v. Fidelity and Casualty Company, 96 Ga. App. 476 (1957).

the officers, the victim resisted, making necessary the use of force. At any rate, Officer Cherry blackjacked (and perhaps pistol whipped) the victim so severely that he died 5 days later.

Clearly, a grand jury should inquire into this incident. If no warrant had been issued, the arrest of Brazier was illegal, and the subjects were without authority to use any force whatsoever. Moreover, even with a warrant, they were not justified in using force if he did not, in fact, resist. In view of the reported interviews, it is doubtful that the victim did more than protest his arrest verbally.

II.

Subject: Officer Weyman R. Cherry
Willie D. "Tobe" Latimer - victim
144-19N-318

Officer Cherry went to the victim's "juke joint" about 11 o'clock in the evening of Friday, May 23, 1958, to check out an anonymous call concerning a disturbance. As he entered, he noticed that Latimer had a "jug" in his hand. The victim ran out carrying the "jug", and Cherry chased him. According to Latimer, he fell and was trying to break the "jug" when Cherry caught up with him and told him that if he broke the jug, he (Cherry) would shoot him. The victim states that he nevertheless broke the jug, and that Cherry shot him in the buttocks. Cherry's story is that when he caught up with Latimer, the latter, after being knocked down, wrapped his legs around Cherry's in an effort to bring him down, also. Cherry maintains that he shot Latimer only to wound him and free himself and that Latimer broke the "jug" after being shot. However, according to another witness, Latimer broke away from Cherry and ran off before the shot was fired. Still another witness heard the glass break before she heard the shot.

This matter should not be closed administratively either. If the victim's story is true, and it is supported by the witnesses, the act of shooting him amounted to summary punishment for refusing to comply with the officer's command to surrender evidence.

III.

Subject: Officer Weyman R. Cherry
Willie Countryman - victim
144-19N-319

The night following the evening that Latiner was shot, Countryman was shot in his back yard by Officer Cherry. Countryman and his common law wife were standing near the back of the house when they heard something on his premises near an out building. Countryman went to investigate the noise which was made by Officers Cherry and Hancock, who were investigating "loud hollering and hooping and lights on" in the house directly behind the victim's. It was too dark for her to see, but his common law wife heard Countryman say "I'm sorry, I didn't know it was you all."1/ According to Cherry, Countryman attacked him with a knife, and he shot the victim in the abdomen in self defense.

Although there is little evidence to refute Cherry's statement, the evidence to support it is of such a questionable nature that a grand jury should inquire into it. There was ample opportunity for the knife to have been placed under the body after the shooting. It seems strange that the officers did not locate the knife until the undertakers arrived to witness its finding. Cherry says that it fell to the ground when Countryman was lifted to the ambulance cot. An undertaker says it fell on the cot. Further, Countryman had a good reputation in the community and was not known to have owned a knife. It should also be noted that the doctor who, for some unknown reason, cut into Countryman's corpse said that he detected a strong odor of moonshine whiskey. Yet, there is evidence that Countryman had been drinking only soft drinks that evening.

IV.

Subjects: Officer Edwin Harold Jones and
Weyman B. Cherry
Willie G. Flagg - victim
144-19M-317

The next morning, Sunday, May 25, 1958, Willie Flagg was playing ball at a baseball field. As he was leaving the field, a police car passed, and Flagg put up his hands as if he were holding a gun and made a rat-tat-tat noise. The subjects stopped the car and Officer Jones beat Flagg about the face and head with his hand and a blackjack. He was then handcuffed, searched, and taken to jail. The only part of the story denied by the subjects is that they hit the victim or used any force whatsoever in arresting him for "disorderly boasting."

1/ It is not clear whether she heard Countryman speak before or after the shot.

Violations would seem to be involved here both with respect to the beating and the arrest. Several witnesses are available.

V.

Subjects: Officers Randolph H. McDonald
and Edwin Harold Jones
Eugene Renfroe - victim
144-198-210

The victim was arrested on a Dawson street during the evening of May 23, 1958. According to the victim he was looking for his daughter who had left his home earlier, apparently for the purpose of calling the police in connection with a family dispute. The victim claims that Jones pointed a gun at him and that McDonald slapped him in the face several times, while Jones handcuffed him. Another witness states that while the victim and his daughter were standing together arguing, a police car arrived and one of the officers who alighted hit Renfroe on the back twice. Still another witness saw a policeman slap the victim twice. Neither mentions having seen a gun. The officers deny that they struck the victim at all. Their story is that they arrested Renfroe upon observing him in pursuit of a woman (his daughter) with a brick in his hand.

In view of the conflicting stories and the fact that the victim apparently suffered no particular injury, it is suggested that no further action should be taken by this Department.