

## Expert: Pasco sheriff mishandled death cases

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Critical evidence in the violent deaths of two well-known men was destroyed during crime-scene investigations conducted by the Pasco County Sheriff's Department, according to an expert hired to review the two cases.

Because the investigations were substantially flawed, the expert says, serious questions remain about the deaths of former Pasco sheriff's Capt. Joseph H. Donahue and Tampa car dealer Ernie Haire.

The expert is James E. Halligan Jr., a veteran crime-scene analyst and founder of Florida's state crime lab (see biography, 9-B). He and his firm, Forensic and Security Consultants Corp. of Tallahassee, were hired by the *St. Petersburg Times* to review reports, sketches and photographs of the two deaths.

Donahue, who was facing federal charges for sharing sheriff's department secrets with undercover agents posing as organized crime figures, died of a bullet wound in his home last April 19. His death was ruled a suicide by Pasco sheriff's officials. (See story, this page.)

**HAIRE WAS** shot to death by his estranged wife during an argument in their Lake O'Lakes home in East Pasco on Dec. 18, 1982. Mrs. Haire was charged with first-degree murder, but was acquitted by a jury. (See story, 9-B).

In both cases, Halligan said, far too many people were allowed inside the crime scenes and the investigators were inadequately trained or qualified for that important, sensitive work. As a result, critical pieces of evidence were destroyed or ignored, he said.

In both cases, Halligan added, Pasco Sheriff John M. Short should have sought the assistance of the Florida Department of Law Enforcement (FDLE), which provides qualified crime-scene teams for free to any law enforcement agency in Florida that requests one.

In his analysis of the two crime scenes, Halligan also said that:

- ✓ The crime scenes were never properly delineated or searched.
- ✓ Some photographs of the general crime scenes were inadequate — and others that should have been taken were not.
- ✓ The autopsy photographs were improperly taken and "of little or no value."
- ✓ There was "very poor coordination" between the Sheriff's Department and emergency medical service personnel.

see MISHANDLED, 9-B



Inside the Pasco County Sheriff's Department:

### A SPECIAL REPORT



**JOHN SHORT**  
... declined to be interviewed



**JAMES RUSSELL**  
... also critical of sheriff.

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## Mishandled from 1-B

### The state attorney agrees

Pasco-Pinellas State Attorney James T. Russell — the man who has to go into court with evidence provided by the Pasco Sheriff's Department — agrees that the Donahue and Haire crime scenes were mishandled.

"If it hadn't been for the medical examiner and a blood spatter expert we hired, we wouldn't have had any evidence of a wrongful death" in the Haire case, he said.

His staff has had repeated problems with crime-scene investigations in Pasco, Russell said, and the inexperience of investigators there is a problem he faces each time a case is prepared for trial.

"USUALLY SHERIFF'S departments try to develop crime-scene experts," he said. "That hasn't happened lately in Pasco County."

Pasco sheriff's officials declined to be interviewed about their crime-scene investigations, but agreed to answer written questions from *Times* reporters.

In a written response, Maj. Gil Thivener defended the performance of the department's investigators.

He described them as veteran, well-trained professionals and said that the only people allowed inside the two crime scenes after the sheriff's department arrived were officials who needed to be there.

Thivener acknowledged that the department did not seek outside assistance in either investigation — only reviews of certain pieces of evidence and his department's work.

Sheriff Short himself did not respond to the *Times*' questions about the crime-scene investigations.

### Crucial to the solution

Investigations at the scene are crucial to the solution of



Maj. Gil Thivener defended the department in a written response to questions from the *Times*.

any potential crime. It is there that physical evidence — everything from bloodstains to strands of hair — is collected, processed and taken to a laboratory for further analysis.

At the scene of major crimes, authorities agree, the investigation should be handled by technicians who are specially trained for that delicate work.

When Donahue and Haire died, however, the technicians at the scene were poorly trained and their work was sloppy, Halligan said.

As a result, Donahue's death — though ruled a suicide by the sheriff's department — remains shrouded in mystery, and key evidence in the Haire death was obliterated.

**THE DAY** Donahue died, Short blamed his death on a *Times* story that revealed Donahue had lied about once working for the New York City police department. The story had been published that morning.

But Short did not immediately disclose the contents of

a note found by Donahue's telephone — a note that suggests that Donahue had decided to testify against the sheriff and other public officials (see illustration, 8-B).

Short publicly revealed the existence of the note a month later — after Donahue's family went to the state attorney's office and questioned its disappearance.

Moreover, Donahue's wife and daughter say they don't believe that Donahue killed himself (see story, this page). And experts like Halligan raise questions about the positioning of Donahue's arms and legs and about the gun found nearby — questions that the crime-scene investigation leaves unanswered.

At the scene of Haire's death, meanwhile, evidence that apparently would have become pivotal at the trial of his estranged wife was lost.

During the trial, Mary Haire testified that her husband pulled a gun on her as she knelt at a safe containing financial documents and jewelry. She said she reached into the safe for a second gun and shot her husband.

Prosecutors tried to show that Haire was the one kneeling at the safe and that Mrs. Haire came up and shot him from behind.

After acquitting Mrs. Haire, jurors were highly critical of the way sheriff's officials handled the case. The jurors noted that critical items at the crime scene had been moved, making it impossible to tell who was kneeling at the safe.

### Too many people

In conducting his analysis of the two crime scenes, Halligan studied copies of the reports, sketches and photographs compiled by the Pasco Sheriff's Department during its investigations.

The *Times* also furnished Halligan with photocopies of documents in the personnel and training files of the investigating officers and crime-scene technicians involved in the two cases.

In his analysis, Halligan said that in both cases Pasco sheriff's officials permitted too many people inside the crime scenes.

"In a case such as this, only two crime scene technicians working as a team" should be allowed, Halligan said. At least 16 persons entered the Donahue crime scene and 21 persons entered the Haire crime scene, sheriff's records show.

**THE OFFICIALS** at the two crime scenes were also inadequately trained or qualified, Halligan said. He criticized the department for what he called "the outdated and ineffective policy of assigning untrained and unqualified investigators and identification technicians" to crime-scene work.

Records in the state's Police Standards Bureau in Tallahassee indicate that, as of last month, 34 Pasco sheriff's deputies have taken the basic, 40-hour crime-scene procedures course approved by the state.

Only one of those 34 deputies currently works as an identification technician, and he worked on neither of these cases. A detective assigned to the Haire case — and no one assigned to the Donahue case — had taken the state-approved course.

The sheriff's department could have sought the assistance of the FDLE, which provides crime-scene teams at no charge. But it did not. In fact, the department has seldom called the FDLE's crime-scene team to the county since Short became sheriff in January 1977.

Halligan and State Attorney Russell were particularly critical of the department's failure to seek outside help in the death of Donahue — a former sheriff's official who was under federal indictment for providing protection for gambling and other crimes being committed by organized crime figures in the county.

"If something like that happened in my department, I'd call for outside help right away," Halligan said.