

S T A T E O F M I C H I G A N
I N T H E R E C O R D E R ' S C O U R T O F T H E C I T Y O F D E T R O I T .

PEOPLE OF THE STATE OF MICHIGAN

-VS-

No. 60318

HEWITT WATSON, ET AL

Now comes Robert M. Toms, Prosecuting Attorney in and for the County of Wayne, and moves the Court to enter an order of nolle prosequi in the above entitled cause for the following reasons:

This case was first tried against all the defendants jointly. The trial occupied about twenty-five days and the jury, after deliberating about thirty-six hours, disagreed. The case was later retried against Henry Sweet, one of the defendants, alone, the trial occupying about three weeks. The jury, after deliberating about three and a half hours, returned a verdict of not guilty as to that defendant. The proofs on behalf of the State as to the defendant Henry Sweet were of greater weight than the proofs against any other defendant, for example: the defendant both in an extra-judicial statement and as a witness in his own behalf testified that he fired in the direction of the deceased. This cannot be shown of any other defendant.

It is significant that since the trial of this case there has not been a single so-called inter-racial clash in the City of Detroit and a noticeably improved spirit of tolerance and forbearance has arisen between the colored and white groups in this city. The defendant Ossian Sweet has not attempted to occupy the residence at the corner of Garland and Charlevoix Streets and has offered the same for sale.

The Prosecuting Attorney feels that if the jury in the trial of Henry Sweet was not convinced of his guilt by the evidence produced by the State, a jury trying any of the other defendants, against whom the evidence would be far less conclusive, would undoubtedly do likewise. The State has no proof to offer in addition to that produced upon the two former trials and that proof was insufficient in both cases to convince the jury of the defendants' guilt beyond a reasonable doubt. Some consideration must be given also to the enormous expense to the State as well as to the defendants in retrying a case in which there are approximately seventy-five witnesses and which would take the time of one court for nearly a month. This, of course, would not be a controlling factor were it probable that the State could establish the guilt of the defendants of any of them, but in view of the proceedings already had in this cause such a result seems improbable to the last degree.

Dated at Detroit, Michigan

July 12th, 1927.


Prosecuting Attorney.