

March 4, 1957

The Board's attention was called to photographs of himself taken at the request of Mr. Mitchell and his attorney in the attorney's office and offered as evidence by Counsel for Mr. Mitchell. These photographs, taken less than a day later, convincingly belie the claim of Mr Mitchell as to the swelling of the face, eyes and lips. From the photographs they appear to be very normal. His clothing appears to be partially splattered with some blood. There appears to be a slight contusion on the forehead. No other marks are clearly visible and it is difficult to observe from the photographs that there is little if any swelling of the right hand. We repeat that these photographs are offered in support of Mr. Mitchell's claim of damage.

The only other testimony relative to damages is that of Mr. William Taylor, a Receiving Hospital medical attendant, who stated that he, Mitchell, had but one cut on his head. Mr. Taylor had shaved a portion of the head and had carefully examined it.

In relation to the events which led to the injuries there is considerable contradictory testimony. Mr. Mitchell claims he was absolutely free from provocation or resistance. There are no eye witnesses to support his claim. The officers contend that he was resentful, uncooperative, belligerent, violent, and provoked the incident. They maintain that he punched Patrolman Lessnau, which commenced the fracas.

This is substantiated by the only independent eye witness to the beginning of the trouble, a Mr. Edward Hayes who was emerging from a building a few feet from the scene. He testified that as the officers pushed him against the wall to search him, Mr. Mitchell struck one of the officers to such an extent that the officer staggered.

It is significant at this point to note also that in his statement to Detective Oscar Kovacich, in charge of the investigation, Mr. Mitchell stated, "He may have thought that I slugged him, but I pushed him." It is also significant to note at this point again, that the Receiving Hospital attendants and the police officers present at Receiving Hospital stated that Mr. Mitchell was hostile and belligerent.

The only other witness to the complete incident was Mr. Oscar Dodson who was the better part of a block away and who testified positively that all of the action took place on the sidewalk and not in the store entranceway as testified to by others. The physical facts lend credence to his observation because it would have been impossible for him to have seen the incident had it taken place within the confines of the store entranceway. By the time Mr. Dodson ran to the scene, Mr. Mitchell had been handcuffed and was on his feet. Mr. Dodson testified that there was no striking after Mitchell was on his feet and handcuffed.

The Board listened to the testimony of Nancy Carol Alexander and Barbara Marie Jernigan, both aged 13, whose testimony apparently was the basis for the withdrawal of the Recorder's Court proceedings. Both of these young ladies agree on continued and severe beating by the police officers while Mr. Mitchell was handcuffed and on the ground. Both claim, contrary to Mr. Dodson, that the alleged beating took place entirely within the recessed entranceway to a facant store.

Nancy testified that Mitchell was lying face up and was beaten by the officers about the chest and shoulders. Barbara insists that Mitchell was lying face down and was being beaten "no place but on the head." There is a substantial variance between the number of blows claimed to have been seen by these two young ladies and the statement made by Mr. Mitchell.

In their testimony there were statements made about "the big fat officer and the little skinny one." It is important to note that both officers are slim of build, about