

Shooting was ruled suicide, but was it?

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Joseph H. Donahue was dead on his bathroom floor, his legs neatly crossed and his hands poised on his chest.

Beside the body was a Smith & Wesson service revolver engraved with the date he left the Port Richey police department to become a top-ranking officer for Pasco County Sheriff John M. Short.

THE CHAMBER of the gun was open and four live rounds of ammunition were scattered in a pool of Donahue's blood.

Short's investigators ruled it a suicide, but authorities outside the sheriff's department raise issues that remain unresolved. They cite:

- ✓ The posed appearance of Donahue's legs, arms and hands.
- ✓ The sloppy investigative techniques of Pasco sheriff's officials, who never obtained tests that could have confirmed that the gun actually fired the fatal bullet.
- ✓ The failure of the Sheriff's De-

partment to seek an independent investigation of the shooting.

"It appears that they (sheriff's officials) jumped to the conclusion that it was a suicide before they did any work," said James E. Halligan Jr., a veteran crime-scene analyst hired by the *St. Petersburg Times* to review the case.

"Overall the picture is consistent with a self-inflicted wound," Halligan said. "But because of all the things that were not done, a lot of information is out that we would have to have to eliminate the possibility of murder."

A sunny spring morning

It was Tuesday, April 19, 1983 — the day before his daughter's birthday. In the kitchen, Donahue had the ingredients for chicken cacciatore and the birthday cake he was going to make for the occasion.

Three weeks earlier, Donahue had been indicted on federal racketeering charges with reputed Mafia chieftain Santo Trafficante and others.

And Donahue had apparently

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The story of the Pasco Sheriff's Department up to now

When John M. Short became sheriff in January 1977, it seemed like the beginning of a new era in law enforcement for Pasco County.

To many, Short was the perfect sheriff for the rapidly growing county — polished, politically astute and experienced in law enforcement. He became one of Pasco's most popular and powerful officials.

Earlier this month, however, the *St. Petersburg Times* began a series of disclosures about the sheriff's performance in office. It has reported that:

- ✓ Short's department targeted a number of prominent East Pasco residents as possible drug smugglers in a secret undercover operation in 1981-82. Some of the targets had earned the animosity of Short and John T. Moorman, a wealthy part-time deputy who helped finance the secret investigation.
- ✓ Short has gotten personal loans from six financial



institutions that have sheriff's department accounts. On three occasions, Short's personal loans came from institutions that received department funds at about the same time.

- ✓ Short has had private business dealings with at least eight of his subordinates. In a series of real estate transactions with one subordinate, Short earned a profit, at least

on paper, of about \$76,000. Another employee, a longtime funeral home administrator, is helping the sheriff establish a new funeral home. Still another was criticized by a supervisor because his business interests harmed his job performance — then given a raise by Short seven weeks later.

Some of the residents targeted in the undercover operation contend that their civil rights were violated, and the overlapping of Short's personal and public financial dealings may violate the state's Code of Ethics. The Pinellas-Pasco state attorney's office is investigating both the undercover operation and some of Short's personal property transactions.

The sheriff says that he has done no wrong. He says that he has never used his office to investigate people he does not like. He denies that his department's large accounts helped him get personal loans. And he says

that his private business dealings with employees are proper, in no way affecting his decisions as their boss.

Short, 38, has been in law enforcement his entire adult life. A native of Freeman, W. Va., he moved to Pasco at age 12 and graduated from Gulf Comprehensive High School in 1964.

That same year, he went to work for the New Port Richey police department, advancing from dispatcher to chief. He was elected sheriff in 1976 and re-elected four years later.

As sheriff, he once declared, he has transformed the sheriff's office "from an archaic and troubled organization into a respected and responsible" one.

In a story in another newspaper last week, Short was quoted as saying that he resents being "grilled for doing my job."

Suicide from 1-B

agreed to testify against the sheriff and other public officials.

HIS WIFE Ellie says she is not sure what Donahue knew.

"He told me he was going to testify and tell everything he knew," she told the *Times* during a recent interview. "I didn't ask him what it would be; I figured he would tell me if he wanted me to know."

Donahue's morning paper, the *Times*, was neatly folded on his bed. It contained a story that showed his claim of a 20-year career with the New York City police department was phony. He had been a plumber in Queens.

Donahue's father-in-law and a neighbor discovered the body as they collected the family mail in the middle of a sunny spring morning.



JOSEPH DONAHUE

When Pasco sheriff's deputies arrived to investigate, they were confronted with the death of a former captain who was charged with selling the secrets of his department to undercover FBI agents posing as organized crime figures.

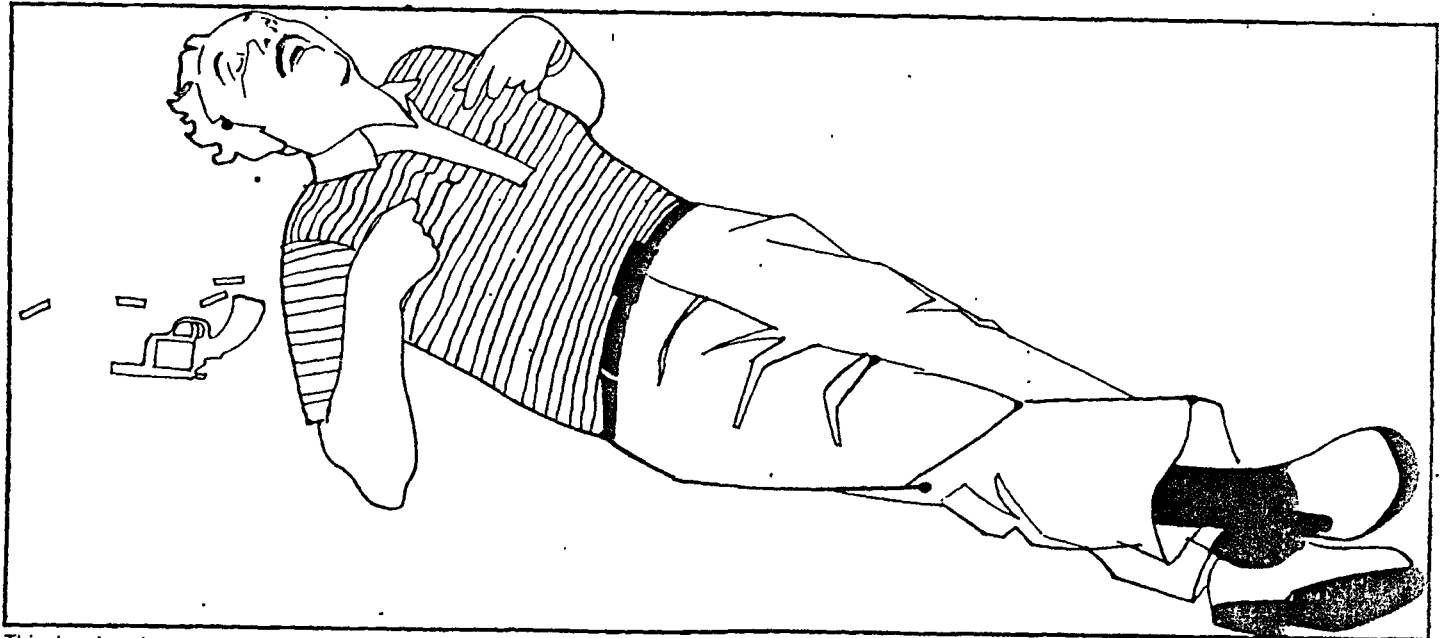
He was also the third man to die who had been associated with Kings Court, a bottle club operated by the undercover FBI agents. (The owner of the club, New Port Richey lawyer Richard J. Milhauer, was found dead of an apparent suicide in May 1981, and a New York mobster arrested at Kings Court in January 1981 was found dead in New York in October 1982.)

NEVERTHELESS, no outside state or federal agency was called in to review the scene where Donahue died.

Instead, criminologist Halligan says, untrained and inexperienced investigators attempted to handle a situation that was beyond their level of expertise.

Into Donahue's house trooped sheriff's deputy after sheriff's deputy. At least 16 persons entered the house before the afternoon was over.

The body they observed looked almost posed, but investigators apparently took little note of the neatly crossed legs and the perfectly symmetrical position of the arms and



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This drawing shows precisely the position of Joseph H. Donahue's body, his gun and bullets as they were discovered after his suicide. The drawing was made from crime scene photographs that, if published, might cause some readers distress. The black dot at the

right temple locates the bullet wound. The Pasco sheriff's office — which ruled that Donahue's death was a suicide — says that the position of the body shows that it was "physically impossible for someone else to have shot him." But expert crime-scene

analysts retained by the *Times* say that the neatly arranged legs, arms and hands are unusual. That "should have been a red flag to investigators that they needed to work a little harder," says one expert.

That "should have been a red flag to investigators that they needed to work harder," said H. Dale Nute, another veteran crime-scene analyst and associate of Halligan.

On a kitchen counter, investigators found notes apparently written by Donahue as he talked with his attorney on the telephone.

"You must answer all questions," the note stated. "Information about sheriff — information about public officials."

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The sheriff's department defends its work at the Donahue crime scene.

In a written response to questions from the *Times*, Maj. Gil Thivener said that the position of Donahue's body shows that "it was physically impossible for someone else to have shot him." He did not elaborate.

Nothing at the scene suggested that the death was anything but a suicide, "and this is consistent with the findings of the medical examiner's office," Thivener said.

After the "first deputies on the scene" confirmed that Donahue was dead, he said, the only people permitted inside the crime scene were "the detectives and technicians with legitimate functions to perform there."

Although the sheriff's department sought no assistance from an outside agency, Thivener added, certain pieces of evidence were reviewed with the Florida Department of Law Enforcement (FDLE) and reports on the investigation were sent to the FDLE, FBI and state attorney's office "for review."

The *Times* asked sheriff's officials what testimony Donahue could have offered about public officials and the sheriff. But the department did not answer the question.

The case officer

The case officer assigned to the investigation was Charles Troy. He had been a detective for 78 days when Donahue died.

Despite the fact he had 13 years' experience in Connecticut and Florida, Troy had little prior experience in murder investigations. In Connecticut he had been an accident investigator for the traffic division of the Greenwich police department. Short hired him in May 1981 as a uniform patrol deputy and made him a detective on Jan. 31, 1983.

Sgt. Tom Pisut, head of the department's identification section, was sent to the scene with technicians Curtia Page and Lester J. "Chick" Little.

Pisut and Page had never taken a basic crime-scene course, according to records on file with Florida's Police Standards Bureau.

Little, the photographer at the scene, is not certified as a police officer in Florida. He retired from the Suffolk County, Long Island police department in 1972. He has prior training in photography and fingerprinting and supervised a crime scene unit in New York.

A FEW HOURS after Donahue died, Pisut and Capt. Dan Noda test fired Donahue's gun to see if it was operational.

"This is a very serious error in policy and procedure," Halligan said. "Not only is he (Pisut) not qualified as a firearms examiner, but he has destroyed any chance for a qualified examiner to conduct an examination of a possible murder weapon."

Halligan said the weapon should have been carefully recovered, protected and submitted to the FDLE laboratory for latent print and firearms examination.

The failure to submit the gun and fragments of the bullet that killed Donahue for testing made it impossible to determine whether the gun found at the scene actually killed Donahue.

The bloody carpet

When the photographs were taken and Donahue's body was removed, Rebecca Franklin, a neighbor and longtime friend, was one of those who helped clean up the bathroom.

Ms. Franklin says one of the deputies gave her two pieces of bloody carpet and told her to "take this and get rid of it."

Photographs taken by the sheriff's department indicate that the one of the two pieces of carpet was at Donahue's feet and the other one was near his head.

Information about Sheriff
Public Official

Leahie Jacobs \$10,000 Second Mortgage
Liberty SE L
13.57
Al 2-4

To meet w/ Attorney Bill Taylor & U.S. Attorney
Cris Hoyer (Mr. Taylor) will call about Appointment

MARSHALL Office 228-2146
F.B.I. Office 778-7661
Mr. Bill Taylor 223-2411

Walt + other "A.I.T." "officer"

Ms. Franklin says no one ever interviewed her after Donahue's death although she had known him for more than 20 years and once worked in the sheriff's department identification section.

"I don't think Joe committed suicide," Ms. Franklin said.

THE SHERIFF'S department reports do not mention the disposal of the rugs, and Pinellas-Pasco State Attorney James T. Russell says he was not aware that they were thrown away.

Halligan and FDLE officials say the missing rugs and the chair that was near Donahue's head should have been tested to determine if any gunshot residue remained. Such tests would have been an additional factor indicating that Donahue was lying on his back at the time the gun was fired.

In his response to the *Times*' questions, Thivener acknowledged that the carpets were thrown away. He declared them "of no evidentiary value since photographs and samples had already been taken." The deputy let the neighbor throw the carpets away "to spare the family unnecessary grief," he said.

The open chamber

Two days after Donahue's death, Detective Troy went to the Tampa office of the FDLE and asked two veteran

agents there to review the work done by the sheriff's department.

The FDLE agents were Manny Pondakis and Rick Look. In a written report, Pondakis noted the unusual nature of the gun's open chamber and the failure of investigators to recover a number of items that should have been examined by experts.

Pondakis and Look also questioned the fact that Donahue's gun had been test fired without submitting it to a scientific lab for examination.

The two agents recommended that the gun be taken to the FDLE's lab for an examination that would include tests for any defect that could have resulted in the open chamber.

THE AGENTS sealed the gun in an evidence container and filled out paper work for an FDLE lab examination that would include an examination for defects or foreign particles that might be left inside the barrel.

The gun was never delivered to the FDLE lab. It remains today in the custody of the sheriff's department. It has never been examined by an expert laboratory.

Without an expert examination of the gun and a bullet fragment found at the scene, it would be impossible to tell whether the gun found lying on the floor next to Donahue actually fired the fatal shot.

In his written response to questions from the *Times*,

Joseph H. Donahue's phone on the day the former Pasco Sheriff's Department captain died. The notes refer to his scheduled arraignment on federal racketeering charges (upper right); his plans to obtain a second mortgage on his home to finance his legal defense (middle of the page), and an appointment with his attorney (Bill Taylor) and Assistant U.S. Attorney W. Christian Hoyer (bottom). The notes also show that Donahue was discussing his possible testimony about the sheriff and public officials. Hoyer is a prosecutor with the Justice Department's Organized Crime Strike Force.

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Thivener said the department is satisfied that Donahue's death was a suicide. He noted that tests performed on Donahue's right hand indicated that Donahue had recently fired a gun.

Thivener said the gun's chamber was open when deputies arrived. He said the deputies determined "by testing" that the gun was not defective and "how the cylinder could have partially opened." He did not explain what he meant about the open cylinder.

The "testing" mentioned in sheriff's department reports consisted of firing the gun and a determination that the gun would fire with the chamber partially open if the hammer was cocked first. Neither of the officers who participated in the test is a firearms expert.

FDLE officials said that the information supplied by Detective Troy could be indicative of a self-inflicted gunshot wound, but that they would not reach any conclusion without an independent investigation.

FDLE Supervisor Doyle Jourdan conveyed an offer to do an independent investigation to Short on April 22, 1983. A report of the telephone call in FDLE files indicates that Short told Jourdan he merely wanted the FDLE to review his department's investigative efforts and make suggestions.

Short rejected the FDLE's offer to conduct a complete investigation.