

New Trial For Former Boxer Denied; Judge Straub Admonishes His Attorney

JUN 18 1949

TIMES

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A new trial for Adolph Syph (Ace Miller) former prize fighter of South Fifteenth St., now serving a 1 to 15 year penitentiary sentence, yesterday was denied by Common Pleas Judge Harvey G. Straub on the ground that the defendant's attorney, Henry Black, had failed to produce new evidence sufficient to reopen the case.

In denying Mr. Black's motion, the judge sharply admonished him for what the judge said was distortion of facts, an inclination to try the case everywhere except in the courts and for courtroom behavior.

A jury last March found Syph guilty of participating in a Dec. 4, 1948 attempt burglary of the State Liquor Store, 503 Main St. A companion, William L. Wilson, pleaded guilty and now is serving a minimum of one year and a maximum of two in the penitentiary. Parole violation is expected to add another five years to the sentence.

Found Asleep In Truck

Police reported they found Syph asleep in a truck which was parked against a wall of the liquor store. Wilson, in the rear of the truck, was apprehended as he drilled a hole through the building. Syph's defense was that he had been picked up and given a ride by Wilson, and knew nothing of the crime until awakened by police.

Mr. Black, who since last March has waged a verbal battle to win a rehearing or intervention by the governor, sought to reopen the case on three grounds. He produced an affidavit signed by Wilson in which the convict repudiated testimony given at Syph's trial; he offered signed statements of jail inmates who allegedly heard Wilson say he intended to testify against Syph at the trial because of the latter's statements about him to police; and contended that the verdict returned by the Common Pleas jury was not the unanimous decision of all jurors.

Interviewed Jurors

Mr. Black told the court he had interviewed several jurors and that two women had informed him they did not believe Syph guilty. He

failed to produce their signed statements.

"Those two women called me," Judge Straub informed the attorney. "They requested me to ask you not to bother them any more. In fact, the husband of one said that if you came to his home again at 11:30 p.m. he would give you a lesson in boxing!"

"I feel it my duty to defend Syph with every ounce of my energy," Mr. Black replied.

Judge Straub told the attorney, "If there has been any miscarriage of justice, you could have appealed

in the courts. Instead, you tried your case in people's homes, in cigar stores, and the Governor's office. You seem to be the only one who has the slightest suspicion that Syph isn't guilty."

Harry Lipski, assistant prosecutor, opposed the new trial, pointing out that Mr. Black polled the jury at the time of its verdict. The trial was a fair one, he declared, and a verdict not dependent upon Wilson's testimony. He characterized the convict's affidavit as unreliable, signed for the purpose of obtaining a trip to Toledo.

New Trial Motion By Syph Is Denied

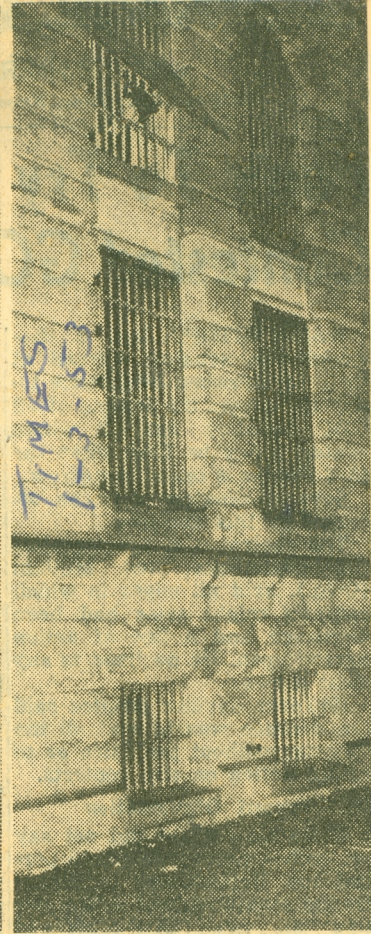
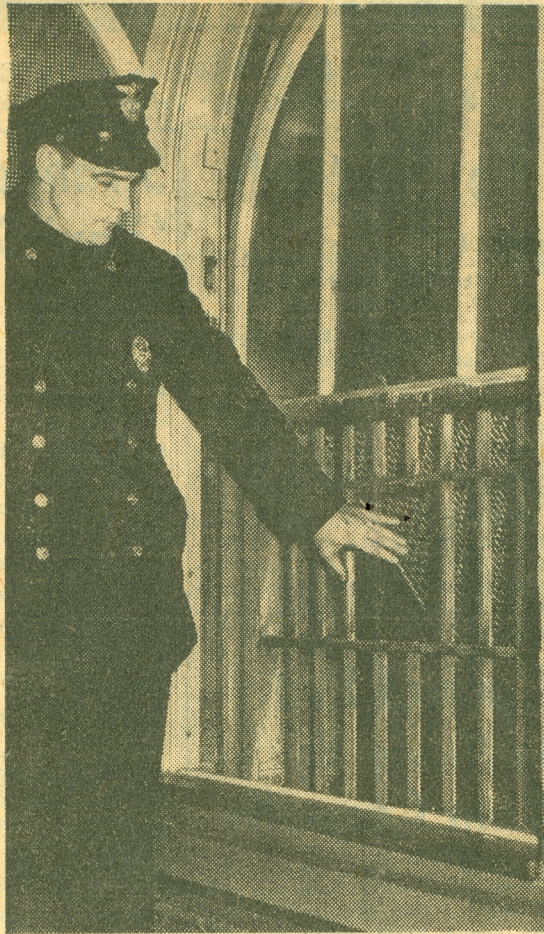
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BLADE

A motion for a new trial for Adolph Syph, convicted burglar who formerly fought in the prize ring under the name of Ace Miller, was overruled yesterday by Common Pleas Judge Harvey G. Straub.

Syph was convicted by a grand jury in March of participating in an attempted burglary of a state liquor store at 503 Main St. last Dec. 4.

In denying a new trial, Judge Straub admonished Syph's attorney, Henry Black, for what the jurist termed distortion of fact and an attempt to try the case everywhere but in the courts.



Officers Show Sawed Bars Through Which Prisoners Squeezed Their Way To Freedom

Jailer Williams looks at first step in break. Patrolman Sidney O'Dell inspects window opening. 25-foot drop to freedom

25-Foot Drop Negotiated In Daring Break

Deputies And Police Blanket Area After Discovery At 9:15

Nine prisoners escaped from the Lucas County Jail last night after working in relays throughout most of the day to saw through two sets of bars.

Threatening 20 other prisoners into silence as they worked, they sawed their way from their cell-block into an outside aisle, and then through a second-story window. The final escape was made by squeezing through a foot-square hole and dropping 25 feet to the ground.

One May Have Gun

Among the 20 prisoners who remained behind was one under indictment for second degree murder. Another was a brother of one of the 9 who escaped. One of the 20 told sheriff's deputies some of the 10 had knives and one may have had a 45-caliber revolver.

The break was discovered at 9:15 p.m. by relief Jailer Harold G. Williams, serving his last night in that capacity. The only other officer in the jail at the time, it was reported later, was Deputy Frank Durivage, at the desk on the first floor. The breaks came only a little more than three days before Sheriff George B. Timiney is to leave office at midnight Monday.

Jailer Williams said he made a routine inspection of the second-story cell block at 7 p.m. and again at 8 without noticing anything wrong.

Notes Prisoners Missing.

He was on his next hourly inspection, he said, when he noted some of the prisoners missing and then saw two pieces of bars lying in the aisle outside the block.

Questioning after the break

Rain fell most of the day yesterday softened the ground beneath the window so it absorbed most of the shock of the 25-foot drop, deputies said.

Sheriff Timiney III

Sheriff Timiney was unable to be present to direct the search, Deputy Ray Roe said. He was confined to his bed at his doctor's orders, suffering from an infected leg, at his home at 2450 Marengo Dr.

The nine who escaped began squeezing through the outer window about 8 o'clock, the deputies learned, and continued leaving one at a time for almost an hour.

There are 18 cells in the block in which the 29 men were confined. The cells are arranged in two rows of nine cells each with a bull pen in the middle. Up until 9 each night, the men in the cells are allowed to go freely anywhere inside the block, and all the 18 cell doors open into the bull pen.

Escapees Listed

The following list of the men who escaped and the charges against them was released after a roll-call had been made of all the 29 men in the cell block:

Kenneth Johnson, 27, of 701½ Division St., attempted robbery of the Federal Credit Union at Willys-Overland Motors, Inc., April 6, 1951.

Wallace Wiley, 27, of 336 John R. St., car theft.

Howard Thomas, 21, of 348½ Avondale Ave., transporting a stolen car across state lines.

Adolph Syph, 32, of 657 Palmwood Ave., forgery.

Joseph Reid, 31, of 309½ Nebraska Ave., holdup of the Salvation Army Store at 840 South Eleventh St., Nov. 11.

(Reid's brother, Aubrey, 24, charged with taking part in the holdup, was among the 20 prisoners who refused to leave.)

Second Escape For One

Kenneth Roland, 22, of 719 Humboldt St., check forgery.

Willie Parnell, 33, of 819 Hildebrand Ave., cutting with intent to kill.

Bishop Jackson, 21, of 1917½ Canton St., cutting with intent to kill.

Dorries Chandler, 36, of 397 John R St., unlawful possession of narcotics. Chandler escaped from the Municipal Court bull

in the jail entrance lobby yesterday when a pounding came on a glass window in the iron outer jail door.

Prisoner Comes Back

Someone opened the door and a stranger, pushing his way through the jam of amazed new deputies, announced his identity and his wish to get back in a cell.

Sheriff Hirsch said he expects to conduct county commissioners through the jail today to show them what is needed to operate the institution efficiently. While Sheriff Hirsch was discussing his plans with reporters, new deputies assigned to patrol cars came in to report two of the vehicles were not serviceable.

Ignoring the charges and counter charges by former Sheriff Timiney, who blamed deputies for the jail break and deputies who accused Mr. Timiney of an easy-going policy, Sheriff Hirsch said he will conduct his own investigation of the break.

Changes Plea To Innocent

Toledo police learned of Tanner's absence when state highway police sought information about him through Detective Capt. Owen Green. Captain Green checked the jail and discovered he had escaped. Why he was not listed as an escapee has not been reported. Tanner was serving a traffic sentence.

Kenneth Roland, 22, of 719 Humboldt St., one of the seven escapees back in custody, was taken before Common Pleas Judge John Q. Carey yesterday. He had pleaded guilty last Oct. 3 of check forgery and was awaiting a pre-sentence report from the Lucas County adult probation department at the time of his escape.

Yesterday Roland changed his plea to innocent, saying he would admit cashing three checks totaling \$230, but would not acknowledge forging them.

3 Face Charges After Arrests In Narcotics Raid

Narcotics charges have been filed against two men and a woman arrested Thursday night in a morals squad raid at an Avondale Avenue residence.

Heroin and narcotics implements — hypodermic syringes — were found, according to police.

Adolph Syph, 51, also known as Ace Miller, and Janice Stevens, 31, of 666 Avondale Ave., were charged with possession of heroin and maintaining a dwelling for narcotics use.

Joe D. Guerra, 31, of 311 Garland Ave., was charged with possession of heroin and implements. All are being held under \$2,500 bond.

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after breakfast yesterday, or about 7 a.m.

An unidentified prisoner said they worked in relays. One man was on guard at all times to warn of the approach of the jailer, and those not working cowed the rest into silence.

Saw Blades Are Mystery

Deputies had not determined last night how the hacksaw blades reached the prisoners. But one of the prisoners who stayed behind said a visitor had smuggled them in. Eight blades were found in the pocket of a shabby black coat on the ground outside the jail.

According to the report the prisoners gave, the men used toothpaste to deaden the sound of the blades. They carefully collected the filings as they went along.

After the first opening had been made in the cell block, allowing the prisoners to get into the outer aisle, one man at a time would squeeze through the 8-inch-by-2-foot hole and saw on the bars of the outer window.

Bars 2 Inches Thick

Whenever the jailer approached, he would scurry back into the cell-block and the men would conceal their work with their bodies.

Two inch-thick bars were cut from the window and a single bar of the same thickness from the cell-block wall.

Within minutes after the break was discovered every deputy had been called in and a score of city policemen converged on the downtown area to begin the search.

Several States Alerted

A teletype flash was broadcast to city and state police in Ohio, Illinois, Indiana, Michigan, Kentucky, New York, Pennsylvania, and West Virginia.

The prisoners were dressed in miscellaneous clothing, mainly blue denims and assorted work clothes.

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No Punishment Indicated For Jail Breakers

The 10 prisoners who escaped County Jail Friday cannot be arraigned as jail breakers after recapture or otherwise be given tougher sentences as punishment, it appeared yesterday.

Sheriff William Hirsch, who took over his new job at midnight Sunday, was informed yesterday by Prosecutor Harry Friberg that there is no existing Ohio law which makes it a felony to break out of jail.

Fugitive Returns

Seven of the escapees, meanwhile, were back in jail yesterday. The total was boosted by two with the surrender of Dorries Chandler, 36, of 397 John R St., facing a narcotics charge, and the capture by police of Wallace Wiley, 27, of 336 John R St., accused of automobile theft.

Investigation of the break was complicated yesterday with the announcement that a tenth prisoner apparently escaped at the same time as the others.

The surprise fugitive, Rufus Tanner, 26, was not missed until Saturday morning. His absence was not made public until Monday morning, when former Sheriff George B. Timiney turned over his records to Sheriff Hirsch.

Deputies Surprised

Still at large, besides Tanner, are Joseph Reid, 31, of 309½ Nebraska Ave., a robbery suspect, and Willie Parnell, 33, of 819 Hildebrand Ave., charged with cutting with intent to kill.

The return of Chandler, named as a ringleader in the saw-out from the second-story cell block, was almost as big a surprise as the break itself.

Chief Jailer Edward Smolinski, a veteran from the last Republican administration of Sheriff Charles Hennessey, was conducting a class of instruction for a