

CRIMINAL JUSTICE

Importance of Good Police Work

Connecticut's Supreme Court of Errors was obviously bothered by the case it was considering. The crime, said Judge John M. Comley speaking for a unanimous bench, was "particularly revolting and atrocious." Yet the conviction of Handyman Harlis Miller, serving a life sentence for the murder of Westport Matron Isabel Sillan, was reversed because it had been obtained with the aid of inadmissible evidence.

It was just the sort of decision to feed the growing public outcry against courts coddling criminals, and the New

York Daily News was quick to complain about "judicial concern for accused criminals outweighing judicial concern for the rights and safety of decent people." In fact, the most serious cause for concern rested with the police.

After Mrs. Sillan was strangled and her 14-year-old daughter, Gail, was raped, the handyman fled to Soperton, Ga., where he was captured. With Miller safely in jail, a Connecticut county detective and a Westport police sergeant went to Soperton and examined the suspect's car without taking the time or trouble to ask his permission or obtain a search warrant. When the car was brought back to Connecticut, it was examined again—still without a warrant. The upholstery was crawling with samples of Gail Sillan's blood and hair. Despite defense objections, that evidence was admitted at Miller's trial.

"Not every search without warrant is illegal," noted Judge Comley. "For example, a search which is an incident to a lawful arrest is proper." But the search of Miller's car was "remote from the arrest both in time and space." The U.S. citizen's immunity from such illegal search is a cornerstone of the Constitution, and the court was guarding against any erosion of that immunity.

Reversal of his conviction does not mean that Miller will go free. Even though the police ruined any chance of his using evidence from the suspect's car, the state prosecutor is already pressing for a second trial, hoping for a second conviction.

COURTS

Call Me Mister

A twice-convicted thief named Richard Armstead took the stand before U.S. District Judge Alexander Holtzoff in Washington, D.C., to deny the latest robbery charge against him. Bring out his criminal record, snapped the judge. "Mr. Armstead," the prosecutor dutifully began. But Judge Holtzoff, who is 78 and has been on the bench 20 years, interrupted in a manner unexpected in the scrupulously courteous federal courts. "Don't address defendants as Mister," he said. "Witnesses and counsel should be addressed as Mr. or Mrs. or Miss, as the case may be, but not the defendant."

The evidence was so solid that Armstead's court-appointed lawyer later asked the U.S. Court of Appeals to dismiss the appeal that he had filed for his client. The court complied, but in the process it went out of its way to rap Judge Holtzoff for his "inexplicable" rudeness to Mr. Armstead.

"When a defendant takes the stand he is a witness," said the court. "He is entitled to the same courtesies and consideration as all the others involved in the proceedings. The presumption of innocence, apart from other factors, requires no less than that nothing be permitted to trench on that presumption."