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TAPES: POLICE LED TOWNSEND IN CONFESSIONS

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One night 22 years ago in a vacant lot in Northwest Fort Lauderdale, bleary-eyed detectives had murder suspect Jerry Frank Townsend where they wanted him: at a crime scene, confessing to murder on tape.

There was just one problem: The initial utterances out of Townsend's mouth didn't necessarily fit the facts.

And so, a squad of detectives from Broward and Miami-Dade counties fed Townsend facts and corrected his mistakes. Taped statements of Townsend, a man with the intellect of an 8-year-old, indicate detectives also showed him crime-scene photos to influence what turned out to be a series of bogus confessions.

The result: Townsend went to prison for murder. Subsequent genetic testing has proved that Townsend's statements, recorded in the days after his 1979 arrest, are largely fiction. Townsend was cleared this month of four Broward murder convictions.

Miami-Dade prosecutors are reviewing two murder sentences in Miami stemming from confessions that followed a starkly similar pattern. Miami Police have ordered reviews of all cases involving the two Miami detectives involved in eliciting those confessions.

In one dramatic moment at a murder site, detectives asked Townsend how he had killed Terry Cummings, a 19-year-old Fort Lauderdale woman raped and killed on her way to work.

Townsend's reply: "a little thin piece of wire."

Incorrect. Cummings had been strangled with her own brassiere.

"I think you're getting a little confused," a detective said. The tape went off.

When the recording resumed, a detective asked, "What did you choke her with? Now tell me straight."

Townsend corrected himself: "I choke her with her own bra."

None of the Broward agencies that collaborated with Miami Police to put Townsend behind bars has publicly acknowledged any misconduct by the detectives who questioned Townsend.

One of the detectives, Tony Fantigrassi, is now chief of criminal investigations, overseeing the Broward Sheriff's Office homicide bureau.

Broward prosecutors reviewed the Townsend confessions and concluded that the detectives had done nothing wrong. They point out that a jury heard the tapes at trial and chose to convict Townsend.

"Jurors listened to those tapes. An appellate court reviewed them. And they all reached the conclusion that he committed the crimes," said Charles Morton, chief of the Broward state attorney's homicide division.

Morton said detectives routinely use a certain number of leading questions and challenge suspects on their facts, particularly when working with people who are deceptive or whose thinking is muddled.

Taped confessions were played at Townsend's Broward murder trial, with every word transcribed by a court reporter. Those transcripts were reviewed by The Herald, as were some of the tapes themselves, to ensure the transcripts' accuracy.

A review of the statements finds several instances of detectives correcting Townsend's garbled account with the tape rolling.

One exchange came at the scene of the 1979 murder of 23-year-old Ernestine German.

"How did you kill her?" a detective asked Townsend, using the suspect's alias, Michael.

Townsend: "Killed her with a knife."

Detective: "A knife? Did you ever have a knife, Michael?"

The detective told Townsend, "You are confused."

He asked, "Did you choke this girl with a bra? Did you take a rape?"

Townsend corrected himself. He had choked her. "I tied her s-- around her throat."

The exchange came during a late-night September 1979 tour of crime scenes, with Townsend joined by detectives from the Miami and Fort Lauderdale police departments and the Broward Sheriff's Office. Miami Police Detective James Boone held the tape recorder, but the recording leaves it unclear who asked each question.

Other statements came in follow-up interviews with pairs of investigators.

In one, Broward sheriff's Detective Mark Schlein asked Townsend to describe how he had taken Cummings to the burned-out house where she died. Crime-scene details suggested she had been knocked out and dragged from the street.

But Townsend gave Schlein a different answer: "Me and her both walked back to the house."

Schlein corrected Townsend: "OK, hey, come on now. She didn't walk back with you; what, no, how'd you get her back to the house?"

Townsend: "I took her back to the house."

Schlein: "How'd you do that?"

Townsend struggled for the right answer: "I took her by her, I took her by her, her, her, I mean. . ."

Schlein: "I see, so you sort of pulled her back to the house with you."

Townsend: "That's right."

Schlein corrected Townsend again when the suspect labored to remember which of the corpse's arms had been found stretched over her discarded clothes, another key detail of the Cummings case.

Schlein and the other detectives named in this report either declined to comment or could not be reached.

Transcripts of Townsend's confessions show Townsend speaking as if he were being coached with the aid of photographs of the crime scene.

The statements came during Townsend's conversation with Broward sheriff's Detectives Schlein and Fantigrassi about the 1973 murder of Barbara Brown.

During the Sept. 7, 1979, questioning session, Schlein asked Townsend at what time of day he'd killed Brown.

Townsend's reply: ". . . [in] this here photograph it was day, but she [died] that night."

When Fantigrassi asked Townsend how old the victim appeared to be, the suspect once more referred to a photograph: "Well, there is, is the way she looked, only this here photograph she looked like she was . . ."

Fantigrassi interrupted him in mid-sentence: "I want you to tell me what you remember."

Apparently influenced by the post mortem photograph of the corpse, Townsend replied that Brown "looked like she was an older girl.". Brown had died at age 21.

The detectives testified that they'd shown Townsend the pictures to aid his memory.

To get convincing confessions from Townsend, detectives needed him to state a handful of key details unique to each crime, details that only the killer would know.

They got Townsend to state those key facts. But many times, he seemed to be repeating words from the mouths of detectives.

At the scene of the 1979 Cathy Moore murder, detectives wanted Townsend to recall that Moore's bra had been recovered in two pieces.

A detective asked Townsend, "Did you tear it or do anything with it?"

Townsend replied: "I tear it."

In Townsend's statement on the 1973 murder of Thelma Bell, detectives wanted to establish that the suspect had dragged the body to the New River and thrown the murder weapon - a knife - into the water.

Broward Detective Fantigrassi asked Townsend: "Oh, so after you stabbed her with the knife you didn't have the guts to pull the knife out at first?"

Townsend: "Yes, sir."

Fantigrassi: "Is that why you started to drag the body into the water?"

Townsend: "Yes, sir."

A short while later, Fantigrassi had what he needed from Townsend and moved to bring the statement to a close.

"OK," he asked Townsend, "is there anything else you want to talk about that we haven't asked you . . . Is there anything we didn't cover?"

Townsend began to respond: "Well, now, you all gonna. . ."

But Fantigrassi cut him off: "Still taping."

Townsend replied: "That's everything."

The statement was over.