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 Department 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

Please see SUICIDE, B-B
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 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 $78,000. 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 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 his boss.

Short, 57, has been in law enforcement his entire adult life. A native of Florida, he moved to Pasco at age 12 and graduated from Gulf pre-College Prep 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 1981 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 1-8

agreed to testify against the sheriff and other public officials.

THE WIFE of one of the sheriff’s deputies who committed suicide said she was not sure what her husband 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 fold-
ed 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.

When Pasco sheriff’s deputies arrived to investi-
gate, 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 as-
sociated with the Kings Court, a biker club operated by the undercover FBI agents. (The owner of the club, New Port Richey lawyer Richard J. Milhauer, was found dead in 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, medical examiner Halligan says, untrained and in-
experienced investigators attempted to handle a situation that was beyond their level of expertise.

Into Donahue’s house trooped sheriff’s deputy after
shériff’s deputy. At least 46 persons entered the house be-
fore the afternoon was over.

The body they observed lacked almost nothing, but inves-

tigators apparently took little note of the neatly crowned legs and the perfectly symmetrical position of the arms and 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.

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

That “should have been a red flag to investigators that they needed to work harder,” said H. Dale Notte, 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. “In-
formation about sheriff — information about public offi-
cials.”
The sheriff's department defends its work at the Donahue crime scene. In a written response to questions from the Times, Maj, Gilt Thivenor said that the position of the 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, Thivenor said. After the first depositions on the scene, Thivenor 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, Thivenor 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 15 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 assistant 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.

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

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.

In written report, Piut said he 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, Piut and Capt. Dan Noda test fired Donahue's gun to see if it was effective.

"This was a very serious error in policy and procedure," Halligan said. "Not only is (Piut) not qualified as a firearms examiner, but he has destroyed any chance for a fair and thorough 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 struck Donahue for testing made it impossible to determine whether the gun found at the scene actually killed Donahue.

The bloody carpet

A photo taken after the shooting showed Donahue's body near a table in the room where the shooting occurred. A bloody carpet was removed, which showed a bloody footprint near the table. The carpet was removed, and the blood was cleaned up.

In response to the Times' questions, Thivenor acknowledged that the carpet was thrown away. He declared them "of no evidentiary value since photographs and samples had already been taken." The deputy let the neighbor throw the carpet 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 Poudakis and Rick Look. In a written report, Poudakis 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.

Poudakis 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 returned to the FDLE's lab for an examination to find any defect that could have resulted in the open chamber.

The agents sealed the gun in an evidence container and filled out a paper work for an FDLE lab examination that would include an examination for defects or other foreign particles that might be left inside the barrel. The gun was never delivered to the FDLE lab. It remained 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, Thivenor 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.

Thivenor said the gun's chamber was open when deputies arrived. He said the deputies determined "by testing" that the gun was not defective and that the cycle on the gun was not faulty. He did not explain what he meant by the open chamber.

The "testing" mentioned in sheriff's department reports consisted of firing the gun and a determination that the gun fired 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 gun-shot wound, but that it would not reach any conclusion about independent investigation.

FDLE Supervisory 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 had not examined the file or carried out the investigation to check the department's investigative efforts and make suggestions for improvements.

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