

Arthur G. Dozier School for Boys

Floridiana - General

2-14-1964

Singleton v. Board of Commissioners : Motion to Dismiss

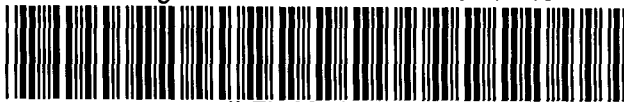
United States. District Court (Florida : Northern District)

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Jl-FL-0001-0038

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

WILLIE CARL SINGLETON, a minor)
by NEVA SINGLETON, his mother)
and next friend, et al.,)

TALLAHASSEE CIVIL ACTION

NO. 963

Plaintiffs,)

vs.)

~~No. 63-243-Civ-J~~

BOARD OF COMMISSIONERS OF)
STATE INSTITUTIONS, et al.,)

FILED

Defendants.)

FEB 14 1964

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

MOTION TO DISMISS

Defendants move this Court to dismiss the above styled cause of action and pending Motion of Preliminary Injunction in connection therewith on the grounds that the plaintiffs have no legal or equitable standing to maintain this suit as shown by the following:

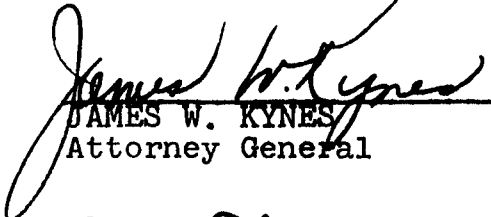
1. On January 14, 1964, the Board of Commissioners of State Institutions of the State of Florida, having jurisdiction and control over the Division of Child Training Schools, which embraces all of the Florida Schools for Boys and Florida Schools for Girls in this state, entered an Order releasing the above named plaintiffs from the said Florida Schools for Boys and Girls. (See copy of the minutes of the Board attached hereto and made a part hereof as Exhibit "A")
2. On January 19, 1964, the forementioned plaintiffs were in fact, released from the said Florida School for Boys and Girls in accordance with the Order of the Board, as set forth in paragraph (1). (See letter of the Director attached hereto and made a part hereof as Exhibit "B")

3. The object and purpose to be served by a declaratory judgement under Title 28 U.S.C.S., Section 2201, no longer exists, inasmuch as there is no actual or justiciable controversy between the parties; the legal questions raised by the Complaint are abstract and moot; and this Court would be, in effect, rendering an advisory opinion having no effect upon the substantial rights or interest of the plaintiffs herein. (See 19 Federal Practice Digest, Sections 61-66, pages 469-83; see also Wood v. Vaughn, U.S. Dist. Ct., Va. 1962, 209 F.S. 106)


4. The object and purpose to be served by any injunctive relief no longer exists, inasmuch as the circumstances have so changed that no remedy can be granted effecting the substantial rights of the plaintiffs. (See Reiter v. Universal Marion Corp., 273 Fed. 2d 820; U.S. Court of Appeals, Dist. of Col., 1959).

WHEREFORE, in light of the foregoing, it is respectfully requested that this Court enter an Order to dismiss.

Respectfully submitted;



JAMES W. KYNES
Attorney General



GERALD MAGER
Assistant Attorney General

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Motion to Dismiss has been mailed to the Honorable Earl M. Johnson, 625 West Union Street, Jacksonville 2, Florida, and the Honorable Constance Baker Motley and Honorable Jack Greenberg, 10 Columbus Circle, New York 19, New York, Attorneys for Plaintiffs, this 13th day of February, 1964.


GERALD MAGER

STATE OF FLORIDA

FARRIS BRYANT, GOVERNOR, CHAIRMAN
TOM ADAMS, SECRETARY OF STATE
RICHARD W. ERVIN, ATTORNEY GENERAL
RAY E. GREEN, COMPTROLLER



J. EDWIN LARSON, STATE TREASURER
THOMAS D. BAILEY, STATE SUPT. PUBLIC INSTRUCTION
DOYLE CONNER, COMMISSIONER OF AGRICULTURE
MRS. LULA L. MULLIKIN, SECRETARY

BOARD OF COMMISSIONERS OF
STATE INSTITUTIONS
TALLAHASSEE

BOOK 4
Page 188
Dated January 14, 1964

"DIVISION OF CHILD TRAINING SCHOOLS

PETITION FOR RELEASE OF JUVENILES WILLIE CARL SINGLETON,
SAMUEL WHITE, AUDREY NELL EDWARDS AND JOANN ANDERSON

The Board at its meeting today considered a Petition filed by Earl M. Johnson, Attorney, on behalf of Willie Carl Singleton and Samuel White, minors, who are detained in Florida School for Boys at Marianna, and Audrey Nell Edwards and JoAnn Anderson, minors, who are detained in Florida School for Girls at Forest Hill, pursuant to the judgment and order of the Judge of St. Johns County Juvenile Court. On August 27, 1963, the parents of said juveniles declined to accept custody under certain conditions set by the Court. However, at a hearing on December 12, 1963, the parents acquiesced in the conditions for probation previously set by the Court. Without objection, the Board authorized release of the said minors into the custody of their parents under the terms and conditions set by the Court".

A TRUE COPY:

Lula L. Mullikin

Secretary to Board of
Commissioners of State Institutions

EXHIBIT "A"

27

ARTHUR G. DOZIER, Director
TELEPHONE 482-4816

Board of Commissioners of State Institutions
FARRIS BRYANT, Governor, Chairman
TOM ADAMS, Secretary of State
JAMES W. KYLES, Jr., Attorney General
RICHARD W. HERVIN, Attorney General
RAY E. GREEN, Comptroller
J. EDWIN LARSON, Treasurer
THOMAS D. BAILEY, Superintendent of Public Instruction
DOYLE CONNER, Commissioner of Agriculture

Division  Of Child Training Schools

GENERAL OFFICE - MARIANNA, FLORIDA

February 12, 1964

Mager
RECEIVED

FEB 13 1964

ATTORNEY GENERAL'S
OFFICE

Honorable Gerald Mager
Assistant Attorney General
c/o Attorney General's Office
Capitol Building
Tallahassee, Florida

Dear Mr. Mager:

In keeping with your telephone call of this morning, I am enclosing copies of letters written the parents of Jo Ann Anderson, Audrey Nell Edwards, Willie Carl Singleton and Samuel L. White, under date of January 16, 1964, advising them of the decision of the Board authorizing the release of their respective children from the Florida School for Girls at Forest Hill and the Florida School for Boys at Marianna.

The parents of these children called at the respective schools for them on January 19, 1964, and since that date the children have been in their custody.

Sincerely,

Arthur G. Dozier

Arthur G. Dozier
Director

AGD:eam
Enclosures - 2 copies each letter to parents

When is a letter to parents of the schools

EXHIBIT "B-1"

38

ARTHUR G. DOZIER, Director
TELEPHONE 482-4816

Division  Of Child Training Schools

GENERAL OFFICE - MARIANNA, FLORIDA

January 16, 1964

Board of Commissioners of State Institutions
FARRIS BRYANT, Governor, Chairman
TOM ADAMS, Secretary of State
~~James W. Kynes, Jr.~~ Attorney General
RAY E. GREEN, Comptroller
J. EDWIN LARSON, Treasurer
THOMAS D. BAILEY, Superintendent of Public Instruction
DOYLE CONNER, Commissioner of Agriculture

Mr. and Mrs. James W. Singleton
C13 - Box 455AA
West King Street
St. Augustine, Florida

Dear Mr. and Mrs. Singleton:

This is to advise that the Board of Commissioners of State Institutions at its meeting on Tuesday, January 14, 1964, after considering a petition filed by Earl M. Johnson, Attorney, authorized the release of your son, Willie Carl Singleton, from the Florida School for Boys at Marianna.

The Board authorized Willie Carl's release into your custody in that the petition set forth that you were ready to accept the terms of probation originally set forth by the Judge of St. Johns County Juvenile Court.

In keeping with this authorization from the Board, this is to advise that we will be prepared to permit Willie Carl to return home with you just as soon as it is convenient for you to call for him. Please contact Mr. Willis when you arrive at the school and he will make the necessary arrangements.

Sincerely,

Arthur G. Dozier
Director

AGD:eam

cc: Mr. Earl M. Johnson, Attorney at Law
625 West Union Street - Jacksonville, Florida

Honorable Charles C. Mathis, Jr., Judge
Juvenile Court of St. Johns County
St. Augustine, Florida

Mr. David R. Walters, Acting Superintendent
Florida School for Boys at Marianna

EXHIBIT "B-2"

29

ARTHUR G. DOZIER, Director
TELEPHONE 482-4815

Division  *Of Child Training Schools*

GENERAL OFFICE - MARIANNA, FLORIDA

January 16, 1964

Board of Commissioners of State Institutions
FARRIS BRYANT, Governor, Chairman
TOM ADAMS, Secretary of State
James W. Kynes, Jr., Attorney General
RAY E. GREEN, Comptroller
J. EDWIN LARSON, Treasurer
THOMAS D. BAILEY, Superintendent of Public Instruction
DOYLE CONNER, Commissioner of Agriculture

Mr. and Mrs. James L. White
9 Bernard Street
St. Augustine, Florida

Dear Mr. and Mrs. White:

This is to advise that the Board of Commissioners of State/Institutions at its meeting on Tuesday, January 14, 1964, after considering a petition filed by Earl M. Johnson, Attorney, authorized the release of your son, Samuel White, from the Florida School for Boys at Marianna.

The Board authorized Sammy's release into your custody in that the petition set forth that you were ready to accept the terms of probation originally set forth by the Judge of St. Johns County Juvenile Court.

In keeping with this authorization from the Board, this is to advise that we will be prepared to permit Sammy to return home with you just as soon as it is convenient for you to call for him. Please contact Mr. Williams when you arrive at the school and he will make the necessary arrangements.

Sincerely,

Arthur G. Dozier
Director

AGD:eam

cc: Mr. Earl M. Johnson, Attorney at Law
625 West Union Street - Jacksonville, Florida

Honorable Charles C. Mathis, Jr., Judge
Juvenile Court of St. Johns County
St. Augustine, Florida

Mr. David R. Walters, Acting Superintendent
Florida School for Boys at Marianna

EXHIBIT "B-3"

30

SCHOOLS /

The Florida School for Boys
At Marianna

The Florida School for Boys
At Okeechobee

The Florida School for Girls
At Ocala

The Florida School For Girls
At Forest Hill

ARTHUR G. DOZIER, Director
TELEPHONE 482-4816

Division  *Of Child Training Schools*
GENERAL OFFICE - MARIANNA, FLORIDA

Board of Commissioners of State Institutions
FARRIS BRYANT, Governor, Chairman
TOM ADAMS, Secretary of State
James W. Kynes, Jr., Attorney General
RAY E. GREEN, Comptroller
J. EDWIN LARSON, Treasurer
THOMAS D. BAILEY, Superintendent of Public Instruction
DOYLE CONNER, Commissioner of Agriculture

January 16, 1964

Mr. and Mrs. Hurley Anderson
215 McLaughlin Street
St. Augustine, Florida

Dear Mr. and Mrs. Anderson:

This is to advise that the Board of Commissioners of State Institutions at its meeting on Tuesday, January 14, 1964, after considering a petition filed by Earl M. Johnson, Attorney, authorized the release of your daughter, Jo Ann Anderson, from the Florida School for Girls at Forest Hill.

The Board authorized Jo Ann's release into your custody in that the petition set forth that you were ready to accept the terms of probation originally set forth by the Judge of St. Johns County Juvenile Court.

In keeping with this authorization from the Board, this is to advise that we will be prepared to permit Jo Ann to return home with you just as soon as it is convenient for you to call for her. Please contact Mrs. McPherson and advise her when you will/call for Jo Ann.

Sincerely,

Arthur G. Dozier
Director

AGD:eam

cc: Mr. Earl M. Johnson, Attorney at Law
625 West Union Street - Jacksonville, Florida

Honorable Charles C. Mathis, Jr., Judge
Juvenile Court of St. Johns County
St. Augustine, Florida

Mrs. Alyce D. McPherson, Superintendent
Florida School for Girls at Forest Hill

EXHIBIT "B-4"

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JAMES W. KYNES
ATTORNEY GENERAL

STATE OF FLORIDA
OFFICE OF THE
ATTORNEY GENERAL
TALLAHASSEE

February 13, 1964

GERALD MAGER
ASSISTANT ATTORNEY GENERAL

Honorable W. Logan Hill
Clerk
U.S. District Court
Northern District of Florida
P. O. Box 958
Tallahassee, Florida

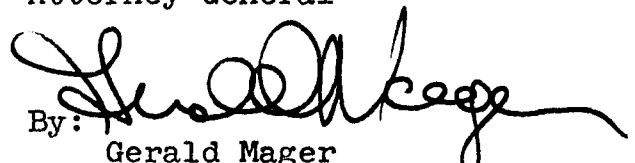
Re: Willie Carl Singleton, et al.
vs. Board of Commissioners
of State Institutions, et al.

Dear Mr. Hill:

Attached please find Defendants' Motion to Dismiss
in the/above styled cause, which you will please file.

Sincerely,

James W. Kynes
Attorney General

By: 
Gerald Mager
Assistant Attorney General

JWK/gmm

Enclosure