

Hill

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DeLaTorre, "was deciding whether indeed there was an investigation pending or in progress" when two sheriff's deputies found the suspicious powder in County Judge Pat O'Rourke's vehicle Feb. 26.

"I think what finally changed people's minds was there was not what you would call specific information given as to when an investigation starts," said DeLaTorre, an engineer serving on his first jury.

Prosecutor Tom Roepke tried to convince jurors that merely inquiring into a suspicious circumstance constituted an investigation. Otherwise, he said, "if you can successfully destroy (evidence) before anyone has gotten a look at it, you win. There's no crime."

But Hill's lawyer, Robert Earp, said Thursday that Hill fell into a gray area of the law when he was asked by two friends, deputies Dwight Jefferson and Jim Boykin, what to do with a powder they found while installing a two-way radio in O'Rourke's Toyota Land Cruiser.

To second-guess such a decision "puts a horrible burden on a peace officer when you have other things to consider in this case like he did" said Earp, alluding to Hill's contention that he thought the powder was a "plant" aimed at O'Rourke or Jefferson.

DeLaTorre said jurors were surprised when Judge Sam Callan granted Hill a directed verdict of not guilty on a second charge of official misconduct. Callan ruled the prosecution did not prove that Hill acted to benefit himself or harm another.

"We were thinking more along the lines of official misconduct, but really it was negligence," DeLaTorre said. "But just because he didn't do his duty, it was not a crime."

Several jurors said they might have done the same thing if they were in Hill's place.

"In a way, he was just kind of in between," Murphy Walker said. "At the spur of the moment, I guess he just told them to get rid



Mabel Hill, left, got a hug from a relative after her husband's acquittal.

of it. I just might tell them the same thing, it's hard to say. You can't predict the human mind."

"If he really did do it as a friend, I can't say I wouldn't do the same thing," said juror Betsy Lynn Huttsett, a bank teller.

Most jurors agreed that Hill's popularity around the courthouse and his numerous distinguished friends did not impress them. In fact, some were annoyed by the procession of character witnesses that included District

Judge Herb Marsh and Alderwoman Polly Harris.

"We got tired of hearing those people say the same things over and over," Huttsett said.

When the jury returned its verdict, Hill dropped his head to the table and shook it for several seconds. Then he threw his arms upward, clapped his hands and burst into tears.

"God bless you all," he told the jury.

A crowd of friends and relatives burst into boisterous applause and shouts of "Thank God" and "Hallelujah."

Before telling Hill he was free to go, the judge lectured him from the bench. "You and I both know you made a bad judgment," Callan said, blaming it, in part, on "400 years of relentless injustice" to blacks.

Hill had testified he was afraid to call in investigators from his department or another agency because he didn't trust them.

Callan told Hill that he hoped the trial "gives you the opportunity and reason to think more of the system and your fellow man" in the future.

If Hill had been convicted on the misdemeanor charge of tampering with evidence, he would have faced the possibility of a year in jail, a \$2,000 fine or both.

A conviction also would have forced Hill's dismissal from the Sheriff's Department, where he has worked for 12 years.

Collier said he issued a directive Thursday restoring Hill as the top officer in the Sheriff's Department's civil division "with all the privileges and responsibilities of the position."

Hill visited his office briefly Thursday, and will return to work Friday morning, Collier said.

The verdict was greeted with "spontaneous joy" at the Sheriff's Department, Collier said. "Everybody was elated. There was no uproar or anything like that, but everybody was very happy."

— Times photo by Carlos Rosales