

IN THE BLINK OF AN EYE MOVIE

A MAN DEFENDS A FRIEND WHO HAS BEEN IN WOMEN'S PRISON FOR KILLING A COP. THE MOVIE EXPLORES THEMES OF WOMEN'S PRISONS, FALSE ACCUSATIONS, AND LEGAL ISSUES.

Movies Based on True Stories Database

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Women's Prison, False Imprisonment Case

For five years, Sonia Jacobs lived in the shadow of death.

On Aug. 20, 1976, she was given a date with "Old Sparky" - Florida's notorious electric chair - for her role in the slaying of two policemen

For five long years she was haunted by recurring images of what would happen if and when her appeals were exhausted and her death warrant was signed . . . wondering if every set of footsteps coming down the catwalk near her death-row cell was her personal messenger of destiny.

"You wonder if it's painful," Jacobs said in an interview in the women's prison where she is now serving a life sentence. "You wonder if you lose consciousness or if you're aware of all this and how long you are aware of it."

Jacobs, her common-law husband and a companion were all charged with the first-degree murders of a Florida state highway patrolman and his friend, an off-duty Canadian policeman.

Both men died in a hail of bullets during a routine highway patrol check on a car carrying Jacobs, her two companions and her two children.

The five fled in the state trooper's car, stopping once to seize a Cadillac and take its owner hostage. Their flight was halted a short time later when the Cadillac plowed into a police roadblock.

Jacobs and her husband were sentenced to death for murder and to life in prison on kidnapping charges. Their companion was spared the death penalty and sentenced to life in exchange for his testimony.

She talks a lot about the electric chair: "I imagine your heart would be going a million miles a minute and would you fight? Or would you just calmly go? They ask you what you'd like to say. I tried to think about what I would say but I don't know what I would say."

Jacobs was never truly able to imagine herself in the position. Her mind just refused to accept it.

"Some people say: 'I forgive them (the executioners)'; some people try to say they're innocent; and some people are angry and tell them all to 'go and shove it and I don't care what you do'. Or some are just silent.

"Some fight like hell and they have to give them a sedative to get them there and others just calmly walk . . . you know you wonder, I mean, if it was really the moment would you just calmly walk?"

She had read about the procedure and wondered if she would be able to eat her last meal knowing what was in store.

"They take you and they shave your head and they shave your legs and they put the electrodes, they attach the electrodes, one to your leg and one to your head.

"They put this metal cap on you and a mask, like a rubber mask over your face because your eyes pop out and . . . and . . . when they do the electricity . . . that, you know, the body stiffens up and starts to shake and all your bodily functions release and smoke comes out of your ears. I mean, they're frying you."

For Jacobs, the wondering and the waiting stopped May 5, 1981, when the Florida Supreme Court reversed her two death sentences and substituted a life term with no parole eligibility until she has served 25 years.

At her trial, the jury had recommended she receive life in prison but the judge overrode their wishes and sentenced her to death. Not once but twice: one count for each of the dead policemen.

Her common-law husband, Jessie Tafero, was convicted for the same crime in a separate trial. He remains on death row, open to execution at any moment and has already come within a whisker of death before a last-minute reprieve.

The couple's 12-year-old daughter lives with a life-long friend of Jacobs' who helps the child grapple with the legacy of violence her parents left.

Jacobs will turn 40 this year and has just entered her 12th year of incarceration at Broward Correctional Institute, a women's prison nestled near this small town outside of Fort Lauderdale. She works in the jail's optical lab and is paid about \$22 every two weeks.

SHE'S a petite woman, who punctuates her comments with fluid hand movements and an expressive face. She is articulate and, at times, eloquent.

Jacobs is different from hundreds of others who have shared the same fate. While most of them are black, poor and indigent, she came from a wealthy New York Jewish family which could afford luxuries like piano lessons and university education.

She admits many of her recollections of events are blurred because the spectre of her own death was something too horrible for her mind to comprehend, much less contemplate.

From the instant the trigger was pulled to launch the fusillade of shots which cut down state trooper Philip Black and Ontario Provincial Police Corporal Donald Irwin, Jacobs says her entire life took on a surreal quality which made her feel that she was playing a character in a movie.

"It was crazy. It was like I'd entered into somebody else's life. It didn't fit anywhere . . . you're too devastated to even be scared . . . it's like you're so horrified that you're in shock."

At the time of the murders there was no capital punishment in Florida. Between the crime and her trial, it had been reinstated.

Jacobs said she doesn't believe the death penalty would have made a whit of difference in their case because the violence was so sudden and unplanned there was no time to think.

The trial took about three weeks with 40 witnesses and 98 exhibits.

It took the jury less than a day to decide and come back with a guilty verdict on all three counts. Under Florida law, the jury was instructed to return for a sentencing hearing and make recommendations.

Jacobs remembers feeling relieved at hearing the jury urge life imprisonment. Then Circuit Court Judge Daniel Futch told her to stand.

She recalls feeling like the courtroom fell away from her and a bubble encased both her and Futch as their eyes locked. She didn't shake, sweat or cry out.

"He said he was sentencing me to death. . . It was like I was a stand-in for somebody. You know, like it didn't have anything to do with me?"

"There was an actual heaviness to the whole thing. It almost felt like it was physically piling on you, like the air almost feels thick around you and it's getting worse and worse. You wonder what the point is of two (death sentences). Like how many times can they kill one person?"

Jacobs had to listen to Futch read the words out twice: "You shall be taken to the place of execution and there put to death by electrical current passing through your body."

He failed to add the customary, "May God have mercy on your soul."

Futch was later reported to have said, "It seemed to affect me more than her."

Says Jacobs: "You go into a state of shock. Once it settles on you, you start to really feel upset."

Jacobs was the first woman sentenced to death after Florida reinstated the penalty in 1976 and the prison system had no facilities for her.

She was taken to Florida Correctional Institute where she was placed in the disciplinary section. It was a small building, isolated from the rest of the complex with separate barbed wire surrounding it.

"To get in they had to unlock the padlock to the fence, unlock the door and then unlock a barred door inside. It was so dark in there it looked like a dungeon."

Her cell was at the end of the row and she could touch both walls with her arms outstretched and leaning side to side. There was a small slot in the door where she could look out onto a concrete wall. The concrete floor and walls were painted white. She had a bunk, a metal toilet and a sink.

All of her clothing was taken away. She was issued state pyjamas, state underwear, a state robe but was allowed to keep her slippers.

THE days ran into one another. Breakfast was at 5.30 a.m., lunch at 11.30, dinner at 4.30 p.m. She was allowed from her cell twice a week for 30 minutes to shower. She wasn't allowed a radio or television or visits. The authorities had problems with her mail for the first three months. She wasn't allowed to smoke. She was allowed a pencil, a sheet of paper and a Bible.

There were no other prisoners on death row for the first three months. Later they moved disciplinary cases into her cell block but the prisoners did not see each other. They communicated by shouting back and forth while Jacobs read them their horoscopes from the newspaper subscription her father had purchased.

The prison library sent her two books a week and she couldn't figure out the criteria for their selection.

"I later found out the girls picked the fattest ones because they thought they would last longer," she says now with a laugh.

For the first three months, she prowled the cell, angry, frustrated, helpless, alone.

Because of the nature of her crime, her keepers preferred to keep a professional distance in their relationship.

"I felt really bad, to be hated. I didn't ever remember being hated before. It made you feel shrivelled."

The happiest moment she can recall was the reunion with her parents and her son Eric, who was then 10. Her parents had taken custody of the children and never wavered in their support or love for her.

"It was sad and it was happy. We were so relieved to see each other. Just to touch each other, in

person, alive. At the same time it was pitifully sad. I'm in prison. My family, we never knew anybody who'd been in prison and here I am, in prison, on death row."

Eric - who had been told his mother was facing a death sentence - climbed onto her lap and refused to move. Every time her folks started to talk about something serious, he'd interrupt.

"No," he would say. "We came here to make mommy happy. We want to make her happy."

After three months, Jacobs made a decision about her life, or what was left of it. She vowed not to dwell on her death sentence.

"I decided that I should learn something every day. You have to make life worthwhile or it won't be.

"We are all doing life whether we're doing it in here (prison) or out there. It's up to you what you make of it. I decided that I didn't have any time to waste."

That philosophy helped her maintain her sanity as she paced the cell. And she meditated - often about the families of Irwin and Black.

"The word remorseful sounds stilted but you do feel remorseful for the aggravation, the grief that you've caused . . . especially after I found out they had children. He (state trooper Black) had six children and I thought about what my kids were going through and now these six children didn't have a father. It was horrible. I prayed for those people but I didn't tell anybody because I thought they might resent it."

About one year into her sentence, she discovered the men on death row were allowed radios, televisions and exercise periods. She launched a civil suit for equal rights and won.

Jacobs was transferred to the Broward Correctional Institute when it opened in 1977. There was no death row there so she was placed in a cell in the hospital area. They have since built a death row with five cells, four of which are now filled.

An appeal had been lodged after her conviction and it dragged on. Then on May 5, 1981, with no warning, she heard footsteps coming toward her cell. The door swung open - and Superintendent Marta Villacourta calmly told her the sentence had been reversed.

Jacobs speaks with bitterness about the length of time it took to appeal.

"I spent five years on death row for nothing. If they had taken my appeal through within a year it would have been changed then. I wouldn't have had to go through that wondering if they would actually go through with this. Whether one day I'd be sitting there waiting for them to take me away and kill me."

She says suicide was never an option for her but admits that since her death warrant had never

been signed, she couldn't rule out the possibility that she might attempt to take her life if the execution was imminent.

Four years ago her parents were killed in a plane crash, leaving Eric, then 16 and Tina, then 8, homeless. Says Jacobs: "That was the most devastating thing that happened. That was worse than death row."

The children went with her brother for a short time. Eric, now 20, has dropped out of touch with Jacobs while Tina is being kept with an old friend in the northern states.

About a year after her parents' death, Jacobs had another crisis to face. The death warrant for Jessie Tafero, Tina's father, was signed in October 1984. In Florida, the signing of the warrant means the prisoner is immediately removed from death row to prevent suicide attempts and placed in a tiny cell behind the electric chair in the prison near Starke, Florida.

And the clock starts ticking, for lawyers have 30 days to exhaust all legal avenues to prevent the execution.

"It's another torture. If it was only for a few days that'd be bad enough but they give you an entire month to count the minutes of your life before they fry you like a piece . . . of chicken. They don't even do that to chicken. It would be considered cruel, people wouldn't stand for that."

JACOBS said the men on death row don't talk much about their sentences.

"When they do it (carry out an execution) the lights dim in the entire prison. Then the other men on death row know they've done it and they can smell the burning flesh for days and days of their friend.

"I mean, maybe they're all rotten but when you spend years and years with somebody and you play cards with them and you talk with them and you learn their inner fears and worries and thoughts and then you smell them fry for three days - it's gross."

The prison superintendent arranged for Jacobs to speak with Tafero by phone. Jacobs said Tafero's spirits were high and he tried to sound positive about his appeal attempts but as the month wore on she realized she would have to do something about their daughter.

She asked friends on the outside to contact psychologists and psychiatrists about what she should tell Tina if her father was executed and she talked to the woman who is taking care of the little girl.

"There was no reason for her to go through what we were going through, the anticipation and the worry and the countdown, it's cruel. I didn't feel it was fair to wait until afterwards because in searching through myself and my own agonies over it, I realized that the only time you could be effective, the only time you can do something about it was at the moment it was happening.

"You could explain to her that 'Daddy died, and right now, if you pray you can help his soul to

go to heaven.' It would give her something to do rather than sit there and go hysterical."

As it turned out, the child did not have to be told. Jacobs learned on the radio - nine hours before the execution - that Tafero had received a reprieve. But he is still on death row, the spectre of Old Sparky still hovering.

Jacobs believes it is far better for Tina if Tafero isn't executed.

"Lots of people have parents who are in jail but for a child whose parent was so terrible they had to be killed, that's worse. I think that's a stigma they just shouldn't have to go through."

Jacobs says she doesn't believe in capital punishment but admits there are some people who should never walk the streets again - serial killers, mass murderers or psychopaths. For them a life term should mean life without parole, she says. But not death.

"Who but a barbarian or a mad killer could seriously think of taking electrodes and sticking them on a person and frying them up? And these are the civilized leaders of our society?"

The violent morning that changed Sonia Jacobs' life.

The crimes which led to Sonia Jacobs' death sentences left nine children fatherless and stretched across the border to shatter a Canadian family.

Ontario Provincial Police Corporal Donald Irwin, 39, was on a "busman's holiday" in Florida with his wife Barbara. They were staying at the home of Florida state trooper Philip Black, also 39.

Black obtained permission for Irwin - an 18-year veteran - to observe him on patrol while their wives remained home with the children. Black was the father of six children while Irwin, of Kitchener, had two daughters, Judy and Janice, and a son, Brian.

On the morning of Feb. 20, 1976, Black and Irwin stopped about 7 o'clock at a highway rest station on Interstate 95 near Deerfield Beach. They were doing routine checks of the cars when they came across a green 1968 Camaro containing three sleeping adults and two children.

Black approached the Camaro and peered inside. Walter "Rusty" Rhodes Jr. was slumped behind the steering wheel alongside Jessie Tafero. In the back of the car were Sonia Jacobs, her son, Eric, and her baby daughter, Tina.

Black spied a handgun and shoulder holster sitting on the floorboard of the car between the feet of the sleeping Rhodes. He opened the car door, awakening the man and asked for identification.

The opening of the door also stirred Tafero, Jacobs and the children. Rhodes later testified that Tafero handed his gun to Jacobs in the back of the car.

Black walked to his patrol car to make a radio check on Rhodes. By the time he returned, Tafero had left the Camaro.

The radio check revealed Rhodes had two convictions for assault to commit robbery. Tafero was on parole for a 25-year sentence involving rape and robbery.

Black pulled out his gun and ordered everyone from the vehicle. Irwin, who was unarmed, pushed Tafero against the car and began struggling with him.

Who fired the first shot in the volley that followed remains unclear. Two witnesses about 30 metres (98 feet) away saw the muzzle flash and watched both policemen twist and fall as the guns cracked out five, six, seven times.

Rhodes testified Jacobs fired the opening salvo and then tossed the gun to the father of her child to finish the job. Tafero testified he and Jacobs merely watched while Rhodes killed both men.

When the shooting had finished, the three adults, with children in tow, vaulted over the bodies into the trooper's car.

At Century Village, a retirement community about 8 kilometres (five miles) away, Leonard Levinson was confronted as he picked up his newspaper on his front lawn by a man with a gun.

The gunman demanded the keys to the Cadillac in the driveway and took Levinson hostage.

A short while later the frantic ride came to end as Rhodes attempted to maneuver the Cadillac around a police roadblock.

During a shootout by police in an effort to stop the car, Rhodes was wounded twice. His left leg was later amputated.

Rhodes pleaded guilty to two counts of first-degree murder and kidnapping but was given a life sentence in exchange for his testimony. Jacobs and Tafero were sentenced to death, but a higher court later reduced Jacobs' sentence to life in prison.

Tafero remains on death row.

A Kitchener woman is pleased the convicted killer of her policeman father has been saved for the second time from the electric chair in Florida.

"I don't think he should be on the streets, but executing him won't bring my father back," Janice Fisher said yesterday. Jessie Joseph Tafero was scheduled to die yesterday for killing Corporal Donald Irwin, a 39-year-old Ontario Provincial Police officer, and a Florida Highway Patrol trooper in 1976.

But Tafero, 41, was granted an indefinite stay of execution by the 11th U.S. Circuit Court of Appeals.

Tafero was convicted of killing Irwin, and Florida Highway Patrol Trooper Phillip Black. The two were shot to death when they stopped to investigate a car parked at a rest stop off Interstate Highway 95 in southern Florida about 7 a.m. on Feb. 20, 1976.

The 18-year veteran of the OPP and his wife Barbara were on vacation and staying with the Blacks. Irwin, who was unarmed and in civilian clothes, got permission to join Black on patrol that day.

Tafero was in the car with Sonia Jacobs, her two children and Walter Rhodes.

Prosecutors said Jacobs and Tafero shot and killed the officers. The three adults and two children fled in the officers' patrol car and later abandoned the vehicle.

They then took another car, kidnapping the driver. They were arrested during a shootout at a police roadblock.

In the giddy moments after her release from a Florida prison on Friday, Sonia Jacobs had the most understandable reaction in the world to standing, unshackled, on a public street for the first time in 16 years: She ran from the jailhouse steps, looked up at the moon and shouted, "I'm free! I'm free! I'm free!"

"I'm jogging through the parking lot, laughing," Jacobs, who grew up in Elmont, said yesterday in a phone interview. "Everyone I'm seeing, I'm seeing for the first time. Because at that moment, I was reborn."

On Friday, in a startling and emotional ending to the long quest by Jacobs' supporters to win her freedom - including the efforts of childhood friend Micki Dickoff, now a Los Angeles documentary filmmaker - a judge in Fort Lauderdale released the woman, who through more than 16 years of incarceration - including five years on Death Row - has always insisted she was innocent in the 1976 shooting deaths of two police officers in Deerfield Beach, Fla. Broward Circuit Judge Howard Zeidwig freed Jacobs after she consented to an unusual agreement in which she was technically required to plead guilty to second-degree murder and kidnaping charges but allowed to maintain her innocence. Last February, a federal appeals court in Atlanta overturned her 1976 conviction, saying that key witnesses lacked credibility and the prosecution had withheld key evidence from the defense.

Jacobs' release capped a 16-year struggle to end her imprisonment, a struggle marked by a series of emotional and legal setbacks that took her from solitary confinement, as the only woman on Florida's Death Row, to a cemetery in North Carolina, where she arrived one day in 1982, in handcuffs, for the funeral of her parents who were killed in a Pan Am jet crash. Along the way, there were other low points: her children being sent to grow up in other people's homes; her appeals of her case foundering in the state courts; her boyfriend's execution in 1990.

But the lowest day was the one that began her long incarceration. In the early hours of Feb. 20, 1976, Jacobs, known to her friends as Sunny, was asleep in the back seat of a green Camaro that

was parked in a rest area on Interstate 95 in Deerfield Beach. Her children slept beside her, and two men slept in the front seat - her boyfriend, Jesse Tafero, and another man they had recently met, Walter Rhodes.

Two police officers - Florida Highway Patrolman Phillip Black and his friend, a visiting constable from Canada, Donald Irwin - had stopped to check on the car. After spotting a gun on the floorboard by Rhodes' feet, Black ordered the occupants out. Rhodes complied, but Tafero became embroiled in an argument with the patrolman. After being subdued by Black and Irwin, Tafero was held over the hood of the police car.

From this point on, the differing stories about what happened that morning have never been reconciled. What everyone agrees is that shots were fired, and Black and Irwin fell to the ground, mortally wounded. The five occupants of the Camaro climbed into the police car, drove away and later exchanged that car for a Cadillac. The owner of the Cadillac was forced into his car at gunpoint. The getaway ended at a nearby police roadblock, in a hail of bullets.

Within weeks, Rhodes had turned state's evidence, insisting the shooting was done by Tafero and Jacobs, who said that Rhodes was the gunman. Receiving two life sentences instead of the death penalty, Rhodes testified at both Tafero's and Jacobs' trials, and both were convicted and sentenced to death.

Although Jacobs had made a strong circle of friends in prison and had a team of lawyers working for no fee on her appeals, her fortunes did not really change until Dickoff re-entered her life two years ago. Dickoff had learned of the plight of Jacobs - her best friend from their years together in Elmont - from her own parents, who lived in Florida, and began a correspondence that culminated in her coming to see Jacobs and eventually becoming convinced of her innocence.

Dickoff commenced a tireless campaign, reading transcripts, reviewing news clippings, even visiting the scene of the crime, to try to prove her friend had not fired the shots.

The culmination of her efforts came Friday, when Jacobs' defense lawyers accepted a prosecution offer: Jacobs was allowed to enter a "plea of convenience," an arrangement that lawyers say is rarely invoked in criminal cases. Under the plea - also known as an "Alford plea," for the U.S. Supreme Court case on which it is based - defendants do not admit guilt, but recognize it is in their best interests to plead guilty. As a result, Jacobs, 45, was sentenced to time served.

Richard Strafer, one of Jacobs' attorneys, said the plea was a victory because the remedy it granted - Jacobs' release - was the one they had sought. Had the case reached a second trial, as the defense had been preparing for, the verdict would have been unpredictable, Strafer said. "Juries can do weird things," he said. "Even though we thought we had a very good chance of acquitting her, if by some chance she had been convicted again, she'd probably never get out. So our choice was between walking out the door and risking that."

The prosecution, though unhappy at Jacobs' release, acknowledged that its case had weakened over time. Carolyn McCann, an assistant state's attorney, said that one key witness had died and

another had recanted. "After 17 years, memories fade, making it a difficult case to retry," she said. "We also had discussions with the victims' families, who said that they couldn't live with the chance that she would [go to trial and] be acquitted."

The plea agreement came amid a pretrial hearing held last week at the behest of the defense, which was seeking to have the prosecutor, State's Attorney Michael Satz, recused from the case. Defense attorney Jose Quinon argued that Satz, who prosecuted the original cases, should have been removed because his chief assistant represented Rhodes, who turned state's evidence.

Rhodes later recanted his trial testimony, saying on several occasions in sworn statements that he had done the shooting. But he ultimately also retracted each of those recantations, and now, Rhodes once again holds to his original allegations against Tafero and Jacobs. He remains in prison.

Jacobs' sentence had been commuted to life in 1981 after the Florida Supreme Court overturned the trial judge's sentence, which conflicted with the jury's recommendation of life imprisonment. Tafero, who also maintained his innocence, was executed by the State of Florida in 1990.

Jacobs' release brought joy to her lawyers and friends, but no one was more exuberant than Dickoff. The two had not seen each other in two decades when, two years ago, Dickoff learned of Jacobs' case.

"I keep pinching myself, because I can't believe it," Dickoff said by phone from Tampa, where she and Jacobs had stopped to visit friends before they flew yesterday afternoon to North Carolina for a reunion with Jacobs' son, Eric, his wife, and Jacobs' granddaughter. She also has a daughter, Tina, whose whereabouts she declines to disclose.

On her first night outside a jail cell, Jacobs, courtesy of her friends, stayed in a room with a view at the Fontainebleau Hotel in Miami Beach. "She sat on the balcony and watched the sun rise," Dickoff said. On Saturday, she had a breakfast she had long dreamed of - lox and eggs and an English muffin with real butter.

Jacobs realized she had some adjusting to do. "We're sitting in the coffee shop, and I'm buttering my biscuit with a spoon," she said. A knife lay in front of her, but it had been so long since she had been allowed to use one that she couldn't imagine it was for her. " 'Knife' is not in my repertoire. I don't think 'knife.' "

Her plans, she says, are not settled. After visiting with her son, she wants to spend time with friends and, in a few weeks, will go to Los Angeles to stay with Dickoff. In the meantime, she is getting reacquainted with the world. She shopped at Macy's in Miami for a pair of black culottes, which she wore to a party held in her honor Saturday night at the home of two of her lawyers, Strafer and his wife, Holly Skolnick. Among the 100 guests were several former prison guards.

"What this all says is, you can never give up hope, you must stand up for what you believe in,"

Dickoff said. "It also says we have a legal system that is terribly flawed and has to be examined. I think that's the great lesson."