

Al Capone's trial to be recreated in historic Miami courtroom

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A historic Miami courtroom goes back in time this week to the days when local prosecutors had the nation's most famous gangster -- Al "Scarface" Capone -- on the ropes and on trial for perjury.

Tuesday morning, in the same courtroom where he stood 80 years ago, actors will take part in a mock recreation of Capone's trial at the Dade County Courthouse, 73 W. Flagler St.

Capone will take the stand in the now restored Courtroom 6-1 and utter the same words he did during his three-day trial there in July 1930. Starting at 9 a.m., the public is invited to attend the proceedings of the State of Florida vs. Alphonse Capone, Case #621.

So how did Capone break the law in Miami? Let's set the stage. It's April 1930. The pudgy and dapper Capone, fresh from serving 10 months in a Pennsylvania prison for carrying a concealed weapon, returns to his 93 Palm Island home in Miami Beach.

He doesn't know new legal problems await him. Miami's civil society is up in arms. Local newspapers describe Capone as a menace to their way of life. So city officials and the local sheriff adopt the so-called "Chicago Plan" -- geared to hassle the gangster so much he'll move out of his beautiful mansion by the bay.

An order to arrest Capone "on sight" is issued by Dade Public Safety Director S.D. McCreary. Every time he leaves home, Capone could end up in jail. That's just what happens four times during May 1930.

The first arrest comes as Capone is headed to a matinee showing at the old Olympia Theatre, now the Gusman, of The New Adventures of Fu Manchu. The charges against him often range from the nonexistent crime of "investigation" to vagrancy because Capone doesn't have any visible means of support.

"All the methods they employed to arrest Capone were clearly illegal," said Miami-Dade Circuit Judge Scott J. Silverman, official historian for the 11th Judicial Circuit of Florida, which is sponsoring the Capone mock trial as part of its centennial celebration.

Capone fights back. He accuses Public Safety Director McCreary of falsely imprisoning him. In retaliation, Capone is charged with two counts of perjury for alleging that during his arrests he was secretly confined and denied the use of a telephone.

At the original trial, the Miami Daily News described the scene:

“The courtroom was crowded, exits being blocked and many women and children were present. A sister of the defendant, Mafalda, was seated beside him and attracted much attention.”

After days of testimony, the jury didn't get the chance to decide Capone's legal fate. Instead, Judge E. C. Collins announced his ruling from the bench. He acquitted Capone.

“As Judge Collins announced his decision, the crowd that had jammed the court room through the three days of the trial cheered wildly. They halted their demonstration only when the judge instructed bailiffs to arrest any who continued to cheer,” the Associated Press wrote.

Capone smiled broadly and thanked the crowd, the AP said. He didn't know it, but it would be the last time he fought the law and won.

The day after his acquittal, Capone said he was abandoning his Palm Island mansion and moving to a 35-acre plot that he owned in Broward County, where he lived briefly. Pleased, prosecutors dropped all other pending perjury charges. It seemed as though the “Chicago Plan” had worked. Capone had been run out of town.

But Capone would return. After Chicago federal authorities sent him to prison for tax evasion in 1931. A sickly Capone was paroled in 1939 and moved back to his Palm Island home.

Capone died there of a heart attack on Jan. 25, 1947. He was 48.