

**FRED R. EVERETT**  
LAWYER  
2 NISBETT BLOCK  
BIG RAPIDS, MICHIGAN

November 1, 1943

Mr. Harry L. Spooner  
812 Bigelow  
Peoria, Illinois

Dear Mr. Spooner:

I have yours of the 29th ult in relation to the Dudgeon-Modell murder case tried in White Cloud in 1925. You doubtless recall that I did not have anything to do with that case when it was first tried in White Cloud, at which time there was a verdict of guilty not only of Mrs. Dudgeon but of the boys and the hired man, Robert Bennet.

I believe the case of Peda Modell was a special trial inasmuch as she was tried for the murder of her husband's father.

It appears that some of the defendants in that case tried in White Cloud, obtained a change of venue and it was transferred to this county where I now live. I am not certain whether you were here at the time that case was before the court and jury, but it may be that you recall that during the trial of the case here, one of the jurors became ill and a mistrial of the case was decided on by the court. Judge Barton was the Circuit Judge at that time. A motion was then made to transfer it to some other county and it was then transferred to Oceana County, of which county Hart is the County Seat. After the case was transferred to Hart, I was appointed by Judge Barton to defend the two Dudgeon boys and the hired man. After the trial of the case which took probably, as I recall it, about three weeks, the hired man and one of the Dudgeon boys was acquitted. Lee Dudgeon was convicted of manslaughter at that time. In the trial of that case, I had with me Mr. Frank Wetmore, an attorney at Hart. We then appealed the case of Lee Dudgeon and that of his mother, to the Supreme Court of this state and those two cases were reversed and sent back for trial. In the trial of the case at Hart, as you may remember, we had Judge Dingman of Detroit as the Circuit Judge and he also presided at a subsequent trial on Mrs. Alice Dudgeon in White Cloud, on which trial Mr. Wetmore and myself defended Mrs. Alice Dudgeon and Lee Dudgeon.

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Lee Dudgeon was acquitted at that time and the jury disagreed with reference to Mrs. Alice Dudgeon. Lee Dudgeon was acquitted because of the fact that he had been originally charged with murder and the jury at Hart found him guilty of manslaughter, which we claimed before the Supreme Court, and with which claim the Supreme Court agreed, that they had no right to convict him of manslaughter and it amounted to an acquittal or something to that effect. Mrs. Alice Dudgeon was never tried again and I believe the case was finally dismissed. Her case was reversed in the Supreme Court on the appeal that we took for her because the Circuit Judge having made a statement to the effect that the confession which the State Police obtained from her was admissible evidence "no matter how obtained."

I have a transcript of a great deal of the testimony in these cases. I do not have a transcript of all of the testimony for the reason that when we took the appeal we did not need all the testimony of the witnesses because of the grounds on which we based our appeal. I believe I have the testimony of Alice Dudgeon, Lee Dudgeon and George Karkeet, one of the State Police, and I believe also of Leda Modell and the hired man, Robert Bennett. If these would be of any help to you, I can send them to you but, of course, I would want them returned as I desire to keep them in my office even though the case is somewhat ancient at this time.

In your letter you also ask whether the attorneys Penny and Worcester, who defended Mrs. Dudgeon and the two boys and hired man, are living. I advise you that Mr. Penny is living and is practicing in Muskegon. Mr. Worcester died sometime about a year ago and in November of 1942, as I recall it. George Hurst is also dead and his widow, Mrs. Hurst, is living here and is remarried and her name now is Mrs. Beatrice Sanderson and if you care to write her, a letter would reach her by addressing her here in Big Rapids with the name that I have given you.

While Mr. Wetmore and I were not able to get much money out of that case due to the fact that the parties involved did not have any particular property or money, yet we feel that we accomplished some justice in that case by getting the mother of the two boys, Mrs. Dudgeon, as well as her sons and the hired man acquitted.