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SLAIN MAN'S FAMILY MUST RELIVE HORROR CONVICTED KILLER WINS NEW TRIAL

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"I didn't do this murder," John Edward Taylor told a judge in 1983. "I will be back to beat this case."

So far, Taylor is half right. After 14 years and seven months of a life sentence for the murder of Miami Beach photographer Andy Sweet, he is back for a new trial.

Beating the case is a different matter.

It wasn't long-lost, new-found evidence of innocence that won Taylor a retrial. A federal appeals court decided that a judicial error violated his constitutional rights.

So the case returns, and with it a ton of horrors for Audrey and Nelan Sweet, the victim's parents.

The new trial, scheduled for April 20 in Circuit Court, brings back the old evidence -- stomach-turning crime scene photos and the stabbing weapons, a big kitchen knife and a flat-blade screwdriver -- and the same statement that Taylor gave to police back then and the same witnesses, 15 years older.

"It's got all the inherent problems of an old case, finding witnesses and that sort of thing," said Susan Dechovitz, the prosecutor.

It's got problems, too, for Audrey and Nelan Sweet, living victims. The first trial was terrible, listening, visualizing the 29 wounds, imagining how their son suffered before he died on his bedroom floor, under a mattress tossed over him.

Even so, they intend to attend the new trial. "It's something we owe to our son," the father says.

Almost everyone at Miami Beach High knew Andy, class of '71, the curly haired kid with the camera. He earned a master's degree in fine arts, and a respected gallery represented him.

Well known locally for his photos of old folks' life on South Beach, Andy's work had begun attracting wider attention, although not enough to drop his bread-and-butter job of photographing weddings and bar mitzvahs. He was 28, with an impish sense of humor and a lot of friends.

Audrey and Nelan Sweet never saw the police and morgue photographs the jury saw. But Taylor's typed statement to detectives engraved Andy's last known words -- Help me, help me -- in their mental album, sometimes open, sometimes shut, never put away.

Soon after Andy died, the Sweets started a local chapter of a national organization: Parents of Murdered Children, a self-help and support group. Their chapter meets at Hollywood police headquarters on the second Tuesday of each month.

"Put it behind us? Never! There's an open wound that never heals," Audrey Sweet said.

Hard to talk about Thus POMC, for short. It's not so much that the full name is too long, but that it hurts to say it.

Audrey Sweet: "People call us in the middle of the night to talk. We tell them we know what they're going through. We tell them that they will be able to cope with it, after a period of time. We tell them not to be hard on themselves."

Nelan Sweet: "They need to talk with someone who's also gone through it."

The Sweets try to live normal lives. She went to The Lipton tennis tournament. She is loquacious and can joke. Asked her age, she says 29. Her husband is 75.

"Don't print that. I don't want it known that I'm married to a man that old," the wife said.

Light moments are valuable.

"Every day of our lives, we get flashbacks, good and bad," she said. "Sometimes I drive over a bridge, and I know Andy water-skied under that bridge. It's hell to see someone driving down the street that looks like him."

Says Nelan Sweet: "We were helping others get over their problems, and all of a sudden we've got our own again."

Defendant Taylor grew up in Miami. Although he had an address near the Hialeah rail yards, he lived like a drifter. He foot-patrolled Biscayne Boulevard and Bayfront Park with crack pushers and other lowlife, committed petty thefts and car burglaries. Sometimes he scored a few dollars or some cocaine from homosexuals who picked him up on the street.

Nickname: Stretch

Taylor is six feet, four inches tall. His state prison profile lists his weight as 175 pounds. In 1982, he was 23 years old and closer to 150. He was nicknamed Stretch.

On Oct. 16, 1982, two men installed a burglar alarm for Andy Sweet in Apt. 18 at 215 30th St., Miami Beach. Leaving, they passed two men coming in.

"They saw them push the door open," Nelan Sweet says. "Andy yelled, 'Hey! Hey! Hey!'"

Eventually, the installers described the two men to a police artist, who drew their pictures. One looked a lot like Taylor. The other was almost a photograph of a man who called himself Jesus "Jesse" Ortiz.

Two Miami Beach Police detective sergeants -- Sherwood Griscom, better known as Buck, now retired, and Tony Marten, a lieutenant now -- investigated the murder.

Says Marten: "We went out one night and got hold of this cab driver Buck knew. We sat down with him in a coffee shop, and Buck asked him, 'Who would do something like this? Do you know anyone?'"

Two known suspects

"He wrote four names on a piece of paper. One was Stretch, and the other was a nickname for Jesus Ortiz."

The detectives found Taylor -- in jail for burglary, wearing Andy Sweet's pants. Ortiz, a drifter from Texas, was caught on the boulevard. He was 31.

Ortiz refused to talk to the detectives. Taylor talked himself into a life sentence.

"He was probably interested in providing information because there was a \$10,000 reward," Buck Griscom recalls. "It's a chess game, you know. He danced around three or four days on the interviews and finally told us the truth."

Or some of the truth. Taylor admitted he was there. The detectives and the Sweets still don't believe the part where Taylor said he was ransacking the rest of Sweet's apartment, hunting for cocaine, while Ortiz did all the stabbing in the bedroom. Taylor admitted helping Ortiz move the body to a closet. He said they took out shirts and pants, changed and left their own bloody clothing on the floor.

Taylor's court-appointed lawyer was Thomas A. (Tam) Wilson. The same Wilson, now a judge, presided in the Miami election-fraud case.

Now U.S. attorney

The judge in the Sweet murder case, both trials, was Thomas Scott. The same Scott is now U.S. attorney for South Florida.

The defendants had separate trials. Taylor's lawyer asked the court to try Ortiz first.

The judge said no. That is the issue that finally caused the retrial -- one of those fine points of law that some people dismiss as petty technicalities.

What difference did it make who was tried first? This difference:

Ortiz volunteered to testify on Taylor's behalf, but if Ortiz did that before his own trial, his testimony could be used as evidence against him.

If Ortiz were tried first -- guilty or not -- he could then testify for Taylor without putting himself on the spot.

Taylor's appeal asserted that Scott was wrong and violated Taylor's constitutional right to due process of the law. Several higher courts, state and federal, agreed that Scott was wrong, but they held that the error was harmless.

Finally, a three-judge panel of the 11th U.S. Circuit Court of Appeals, by a 2-1 vote, ruled the error was not harmless.

Lawyers like to say one man's technicality is another's constitutional right. Nelan Sweet knows the slogans. He practiced law from 1949 to 1992. He used to be president of the Miami Beach Bar Association. His professional but biased take on the Taylor ruling: "A lousy decision."

Speculated testimony

What would Ortiz have said for Taylor? In his own trial, he testified that he went to Sweet's place with someone named Mark to buy cocaine. Ortiz said he drank a bottle of beer, watched television for 15 minutes and left Mark sitting on the bed with Sweet and some white powder.

David Rothman, Ortiz's lawyer at the time, says that if Ortiz had testified in Taylor's trial, he would have described Mark as someone who did not look like Taylor.

A Circuit Court jury found Ortiz not guilty. He drifted back to Texas.

Nelan and Audrey Sweet located Ortiz in a Texas prison. His name isn't Jesus Ortiz. It's Luis Pardo.

"He changed his Social Security number, he changed his age, he changed his height, he changed his name," Audrey Sweet said. "He has something like 27 different names."

Taylor's new lawyer, Manuel **Casabielle**, isn't sure he wants him as a witness for the defense. Susan Dechovitz, the new prosecutor, probably could devour him.

Somehow, the Sweets are going to get through the retrial.

Forget about forgetting.

A room off the Sweets' carport has a sign on the door: "Darkroom." It hasn't been used in 16 years. The sidewalk in front of their house was laid in 1981. When the cement was still fresh, two sets of dated initials were scratched deep in the fresh cement. They are easy to read: Audrey's initials at one end, Andy's at the other.

The memories, good and bad, are not going anywhere.

Cutlines JON KRAL / Herald Staff LIVING VICTIMS: The case of the murder of Andy Sweet returns, and with it a ton of horrors for Audrey and Nelan Sweet, his parents.

Illustration:photo: Audrey Sweet and Nelan Sweet (A), Andy Sweet (A), John Edward Taylor (A)

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