

## Man cleared of charges after 7 months in jail

By JANET LEISER of The Tampa Tribune  
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Ronald Heitz spent nearly seven months in jail, accused of pushing his way into a pregnant woman's home at gunpoint before she and her young daughter escaped through a back door.

The 62-year-old man steadfastly maintained his innocence in a case in which the only evidence against him was a shaky identification by the victim, said attorneys with the Pinellas-Pasco Public Defender's Office.

On Wednesday, Heitz was cleared. A jury acquitted him of charges of armed burglary and attempted kidnapping. It was a case of mistaken identity, said Heitz's lawyer, Assistant Public Defender Anne Wansboro.

"Our defense was not that it didn't happen," said Assistant Public Defender Paul Firmani, who assisted with the case. "Our defense was they had the wrong guy."

But Prosecutor Don Magee said the victim had the right man. "[She] believed it was him, unless he had a twin," Magee said in closing statements to the jury.

There's no doubt Patricia York believed Heitz was the one who forced his way into her home on Oct. 15, 1996, Firmani said.

"I think there was an honest mistake by a victim, compounded by a less-than-adequate investigation by New Port Richey police," Firmani said. "I think they left a lot of loose ends."

Nearly eight months after a man dressed in blue work clothes and carrying a handgun behind a clipboard or planner knocked on York's front door, a police officer stopped Heitz as he rode a bicycle to the Good Samaritan Health Clinic where he volunteered.

Heitz, of 6638 Crossbow Lane, was wearing an orange fishing hat that day; York had told police the man who forced his way into her home wore an orange baseball cap, Firmani said.

The officer asked Heitz if he could take his photograph, which police later showed to York along with photos of five other men. Heitz was the only one in the pictures wearing an orange hat.

York picked Heitz, who Firmani said has no criminal record, over the others. "This poor woman was fooled," Firmani said. "I'm not saying it was

intentionally done."

Heitz was arrested on a warrant two months later, even though York had told police the burglar was as young as 40, Firmani said. A man working on a roof near her house told police he saw a man, in his 30s or 40s, run from her house.

New Port Richey police Lt. D.W. Garman declined comment Wednesday, as did Pasco Assistant State Attorney Richard Mensh.

Firmani contends the police should have acquired a warrant to search Heitz's home for the weapon and clipboard or planner carried by the burglar. "The sad thing is he has been in custody all this time," Firmani said.

Heitz planned to celebrate Wednesday night with dinner at the Golden Corral restaurant. Before his acquittal, he even had invited the prosecutor, Magee, who laughed at the idea.

"I though Bern's would have been more appropriate," Firmani said of the upscale eatery in Tampa.

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