

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

FALL TERM A. D. 1967

FINAL REPORT OF THE GRAND JURY

Filed

May 14, 1968

Circuit Judge Presiding

HARVIE DUVAL

Officers and Members of the Grand Jury

PATRICK J. CESARANO, Foreman

JOHN B. STADLER, Vice Foreman

RICHARD L. LARIMORE, Clerk

CARMELA A. SAUTHER, Asst. Clerk

ROBERT J. FINLEY, Treasurer

EDWARD A. ASTOR

OTTO W. BRADY, JR.

WILLIAM W. BROOME, JR.

CLAUDE R. BROWN

MILDRED B. BUTLER

THOMAS L. CLARK

EDWARD C. COLEMAN II

ROBERT C. FALLS

INEZ FRANZO

DOROTHY M. FRITZ

WILLIAM A. GREENFIELD

CECIL J. MOBLEY

CARL H. MOTT

PAUL J. NASRALLAH

DANIEL O. PATTON, JR.

VIRGIL N. SALISBURY

JOHN WADDELL

ARNOLD G. WELLINGHOFF

State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

JOSEPH DURANT
DAVID GOODHART

Special Counsel

JOSEPH P. MANNERS

Clerk of the Circuit Court

E. B. LEATHERMAN

Administrative Assistant

ELEANOR M. ROBINSON

Official Court Reporter

JACK W. MALLICOAT

Bailiff

W. RUFUS HOLZBAUR

INDEX

<u>SUBJECTS</u>	<u>PAGES</u>
THE TEACHER WALKOUT IN DADE COUNTY	1-9
NARCOTICS IN THE SCHOOLS	10-11
THE MIAMI HERALD	12
NORTH BAY VILLAGE	13-16
COMBINED FORCES	17-18
BAIL AND SUPERSEDEAS BONDS	19-20
ACKNOWLEDGMENTS	21-22

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
PAUL BALLEW	Assault with Intent to Commit Rape	True Bill
LEROY HARDEN	First Degree Murder	True Bill
DONALD LEE EPPS	First Degree Murder	True Bill
WILLIE DAVID McFADDEN	Rape	No True Bill
RUBIN STOVALL	Rape	No True Bill
EARL WOODING	Rape	No True Bill
EDWARD CLARENCE KOVALIK	First Degree Murder	True Bill
JAMES GERTMAN, also known as JIMMIE GERTMAN	First Degree Murder	True Bill
GEORGE JACKSON	Second Degree Murder	True Bill
WILLIE ALBERT WIMBLEY, also known as WILLIE A. WIMBLEY	Rape	True Bill
WILLIE JAMES BROWN	Rape	True Bill
ADA LOUISE DAMES, also known as "BOOTNEY"	Second Degree Murder	True Bill
MIGUEL JUAN CABRERA	Assault with Intent to Commit Rape	True Bill
CURTIS STAFFORD BAIN and JOHNNY TISDALE, JR.	Assault with Intent to Commit Rape	True Bill
POLLY MAE MARTIN	Second Degree Murder	True Bill
THOMAS HENRY SMITH	First Degree Murder	True Bill
JAMES E. GRAHAM	Rape	True Bill
THOMAS JAMES WRIGHT	Rape	True Bill
KENNETH COTTON	Rape	True Bill
KENNETH COTTON	Rape	True Bill
JOE NATHAN ROZIER	First Degree Murder	True Bill
FELIPE CORIANO VELAZQUEZ	First Degree Murder	True Bill

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
DANIEL R. CHASTEEN	First Degree Murder	True Bill
THOMAS WATSON JONES, also known as "DEWEY"	Second Degree Murder	True Bill
MICHAEL FLEMING	Unlawful Possession and Sale of Marijuana	True Bill
HOWARD SHELTON	Unlawful Possession and Sale of Marijuana	True Bill
DOUGLAS JEAN PLEXICO	Unlawful Possession and Sale of Marijuana	True Bill
RONALD HUTCHINSON	Attempting to Obtain Central Nervous System Stimulant by Fraud, Deceit, Misrepresentation or Subterfuge	True Bill
EVELYN TAYLOR TRASS, also known as EVELYN TRASS TAYLOR	Second Degree Murder	True Bill
WILLIE CARL FORD	Rape	True Bill
LARRY D. EVANS, DWIGHT S. MOORE, ANTHONY KNIGHT, WILLIAM T. CLARK, CLINTON W. WILCOX and JOHN E. GRANT	Rape	True Bill

THE TEACHER WALKOUT IN DADE COUNTY

This Grand Jury conducted a lengthy and intensive investigation into the recent teacher walkout in Dade County - a demoralizing experience to the community.

The purpose of the investigation was two-fold: (1) To uncover the true underlying causes for the mass resignations in order to enlighten both the citizens and teachers of Dade County. (2) To recommend remedial action to prevent a recurrence.

Testimony was taken from all segments of the educational system - members of the Dade County Board of Public Instruction, including both present and past Superintendents of Public Education, the attorney for the School Board, officials of the Classroom Teachers' Association and the Florida Education Association, administrators, and numerous principals and teachers - both those who walked out and those who remained.

Classroom Teachers' Association

No clear cut, definitive reasons for the mass resignation could be pinpointed, but it is obvious that the reasons given by individual school teachers did not exactly parallel the thinking of the leaders of the teacher organizations. Officials of the teacher organizations couched all of their grievances in such language as their "desire for quality education." Realistically, however, we found their grievances involved: (1) The right to be the sole bargaining agent for the school teachers in their negotiations with the school authorities, and (2) the meeting of their demands directed at the Governor and the State Legislature for additional funds for education.

Faced with the necessity of having to comply with a Florida Statute which prohibits strikes by government employees, the leadership of the Classroom Teachers' Association and the Florida Education Association, acting in consort, asked for the resignation of Florida teachers. When the Legislature failed to adopt the recommended legislation, the teacher resignations were filed at the direction of the Florida Education Association. While technically this could not be considered a strike, the same result was accomplished. Obviously, this was an attempt by the teacher organizations to "blackjack" the Legislature into adhering to its wishes.

We believe the leaders of both the Florida Education Association and the Classroom Teachers' Association, in their attempt to test their strength, erred tragically in recommending this action to their members. The militant actions of the officers of the Classroom Teachers' Association contributed materially to the disruption of the schools in this county. Their leadership was irresponsible and has done irreparable damage to the teacher image held by students and the general public alike. We cannot assess the damage to the impressionable minds of school children who observed their teachers openly defying the law, and making a sham of the contracts they had signed.

It is easy to assume that the Florida Education Association without the Dade County Classroom Teachers' Association has questionable strength in state-wide negotiations. We believe the Florida Education Association, therefore, through the cooperative leadership of the Classroom Teachers' Association, exerted undue influence on the teachers of Dade County.

We applaud the aims of the Florida Education Association to improve conditions in the state, but to do so at the expense of Dade County school children was deplorable. Dade County's educational system, while it may be inadequate in some areas, is unquestionably one of the best in the state.

Testimony from the Florida Education Association disclosed that the National Education Association spent over three quarters of a million dollars in the state. Teams from the national organization were imported to advise and help direct the walkout. Officials denied the walkout in Florida was connected with other simultaneous walkouts across the country. However, we cannot accept these actions as mere coincidence. They strongly suggest a struggle for nation-wide control of the schools.

Sanctions against our state were imposed by the Florida Education Association and the National Education Association. New industry, potential residents and qualified teachers were urged to stay out of Florida. Dade County has spent vast sums of money to attract new business and to create a favorable image for this county. These sanctions caused damages which cannot be assessed.

We believe grievances, real or imagined, prevalent in this county could have been ameliorated by means of intelligent, cooperative discussions, and without resorting to the disruption of classes.

The School Teacher

The Dade Classroom Teachers' Association circulated among its members a questionnaire dealing with conditions in the schools. Credibility must be given to the grievances outlined by individual teachers, in spite of the fact that the questions were specifically

designed to produce an indictment of the Dade County educational system. We were furnished with approximately three thousand of these completed questionnaires. They indicated: (1) Insufficient classrooms, resulting in overcrowding. (2) Too many pupils per teacher thereby making it difficult for the teacher to do his most effective work. (3) Lack of proper and sufficient text books. (4) Unsafe physical conditions of buildings.

Testimony corroborated the complaints of overcrowding in the classrooms. We believe the Dade County School Board is aware of this deficiency and is attempting to correct it as quickly as funds are available. However, it must be realized that in a county with a fast growing school population such as ours, this problem is monumental.

Grievances having to do with the lack of proper text books were found to have little merit. In some instances specific books were not available, but in most cases acceptable substitutes were furnished. We were advised also that unexpended monies remained in the book fund.

The allegation that dangerous physical conditions existed in some of the schools concerned us greatly. We learned through testimony that regular procedures have been established and are being used by the Dade County School Board for the purpose of reporting such conditions. Except in the case of major renovations, all reported faulty conditions are generally corrected within a reasonable time.

While we do not wish to minimize the deficiencies outlined in the teacher questionnaires, we believe they were not of such

proportions as to justify a walkout. We did learn that the underlying cause of the walkout in other areas of the state was inadequate salaries. Particular attention was paid to this question as it related to our local situation. IT IS SIGNIFICANT TO REPORT THAT NOT A SINGLE TEACHER OR PRINCIPAL TESTIFIED THAT HE OR SHE WALKED OUT BECAUSE OF SALARY CONSIDERATIONS. We asked each teacher and principal who appeared before us whether he or she would walk out again under the same circumstances. EACH TESTIFIED HE WOULD NOT.

Once again we can only conclude that while the expression "desire for quality education" was advanced as the underlying cause for the walkout, the overriding reason was the desire on the part of a few to concentrate in themselves the power to control and bargain for the teachers of this state.

The Dade County School Board

The School Board members have been accused of having been unprepared for the walkout. However, we believe they were lulled into a false sense of security since they relied on an informal agreement entered into with the Classroom Teachers' Association that there would be no walkout. Had they assessed the situation more realistically, at least two courses of action were available. They could have obtained a court injunction against the teachers or they could and should have made plans to develop a pool of substitute teachers. The validity of this last suggestion was confirmed by the fact that lay leaders of the community did recruit enough substitute teachers to reopen many of the schools.

In retrospect, the action of the School Board in allowing teachers to rescind their resignations showed good judgment. It

is our conviction that the teachers were misled by their elected officials, and the rescinding of the resignations allowed schools to resume their normal functions. However, it should be made crystal clear to all teachers that in the future provisions of the teacher contracts will be rigidly adhered to. At least one member of the School Board encouraged the teachers to participate in the walkout. Although sincerely motivated, the action was ill-advised.

Christian Resolution

The people of Florida do not want any single professional group to act as the sole bargaining agent for their teachers. They demonstrated this by their overwhelming opposition to the "Christian" resolution which contained such a provision. This opposition, in the form of thousands of letters, telegrams, and telephone calls came in spite of the fact that the resolution was drawn with the assistance and knowledge of the Attorney General, the Secretary of State and the State Treasurer, and with the help and guidance of officers of the Florida Education Association.

We believe the actions of the great majority of the teachers and principals were sincerely motivated. We particularly wish to commend those who remained at their posts during this crisis.

RECOMMENDATIONS

Based on the foregoing, this Dade County Grand Jury makes the following recommendations:

1. The Dade County Board of Public Instruction should formulate positive plans to keep the schools open in the event of another

walkout. These plans should include a complete list of qualified substitute teachers.

2. The Dade County Board of Public Instruction should not act as the dues or membership fees' agency for teacher organizations.

3. Principals and other administrative personnel should not be permitted to belong to teacher organizations, but should maintain their own separate organizations.

4. The Dade County Board of Public Instruction should devise a more effective means of communicating directly with individual teachers, and teacher groups, for the purpose of hearing and acting upon grievances or complaints as they are presented.

5. The Dade County Classroom Teachers' Association should re-examine its goals and principles and weigh the value of its affiliations with the Florida Education Association and the National Education Association. It should direct its attention to local rather than state-wide and national problems. Its future actions should reflect the sound professional behavior attributed to members of the teaching profession.

6. Studies should be instituted by qualified personnel to effectuate a more efficient expenditure of funds in the various segments of the school system.

7. While the Grand Jury has no evidence or reason to believe the recent walkout was inspired, directed or controlled by any subversive group, we do believe that any organization controlled by a militant individual or minority group is a fertile breeding ground for the infiltration of subversive factions. For this reason, we recommend that the teacher organizations at all levels be alert to the possibility of such infiltration.

8. Section 839.221, Florida Statutes, which prohibits strikes by public employees, should be strengthened to deter future teacher walkouts. We recommend the Florida Legislature make the following changes in said Statute:

- a. Any public employee who engages or participates in a strike shall be guilty of a misdemeanor. The word "strike" shall mean the failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions of employment or compensation, or the rights, privileges, or obligations of employment; provided, however, that nothing contained in this statute shall be construed to limit, impair or affect the right of any public employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.
- b. Any public employee who violates this statute shall thereby abandon and terminate his employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof, except if reappointed.
- c. A public employee violating the provisions of this statute may subsequent to such violation be reappointed or re-employed

as a public employee, but only upon the following conditions:

- (1) his compensation shall in no event exceed that received by him immediately prior to the time of such violation;
- (2) the compensation of such person shall not be increased until after the expiration of one year from such re-employment; and
- (3) such person shall be on probation for a period of two years following such re-employment, during which period he shall serve without tenure and at the pleasure of the appointing officer or body .

NARCOTICS IN THE SCHOOLS

This Grand Jury has initiated an investigation into the use of narcotics by teen-agers. A large number of principals and teachers in schools throughout Dade County have been interviewed, and while we have found that a small percentage of students have used narcotics, we are distressed to report that in the past year the use of narcotics by high school students appears to have accelerated. This is a very serious problem which calls for positive action on the part of every citizen in this community.

Our investigation into where teen-agers obtain narcotics has led to the indictment of four sellers of Marijuana, and has revealed that it is quite easy for a teen-ager to obtain Marijuana at certain business establishments in Dade County known as "psychedelic shops."

We believe the most effective way to combat the increase in the use of Marijuana by school children is through education. What and how a teen-ager is taught about the hazards of drug addiction can mean the difference between a healthy fear of it, or a dangerous, experimenting kind of curiosity. It is also most important for parents to know the facts about the teen-age addiction problem - for without these facts and this alertness to danger, no proper job of guidance can be done. In this regard, we are pleased to report that the State Attorney's Office and the Public Safety Department have already instituted programs to educate the teen-agers concerning the evils of narcotics.

Based upon our investigation, we recommend the following:

1. A sensible narcotics education program should be instituted and perpetuated by the Dade County School Board in our junior and senior high schools, so that the teachers and students can become

aware of the hazards of drug addiction.

2. All adults responsible for guiding and teaching adolescents should learn the basic causes and symptoms of juvenile addiction. This educational program should be carried out by the Parent-Teachers' Association. With this general alert, youngsters who show early signs of smoking Marijuana or of drug addiction can be given immediate psychiatric assistance.

3. The news media should continue to take an active role in educating the general public to the dangers involved in the use of narcotics.

4. The police agencies in Dade County should assign additional personnel to ferret out and arrest the "pushers" and sellers of narcotics to teen-agers. In this regard, we recommend that the police closely surveil the above-mentioned "psychedelic shops" for these places are breeding grounds for changing the healthy teen-ager into a narcotics addict. We also recommend closer supervision of teen-age dance halls.

5. We recommend that the next Grand Jury continue our investigation into this very serious social and moral evil.

THE MIAMI HERALD

During the term of this Grand Jury, an investigation was conducted into the availability and use of Marijuana and other illegal drugs by juveniles. As a result of this investigation, indictments were returned, capias' issued, and, with the assistance of local law-enforcing agencies, two psychedelic shops were searched, Marijuana and other drugs seized, and individuals arrested.

In the April 23 issue of The Miami Herald, an editorial entitled "Hippies and Crime" equated the narcotics investigation to "the breaking up of a poker game in the men's locker room of a country club."

We were not concerned with the motivations which prompted the editor to minimize a problem which our investigation indicated affects many of our young people.

Neither did we believe that The Miami Herald was fulfilling its editorial responsibility by likening this problem to that of a locker room poker game. This belief prompted the release of the Interim Report.

In an editorial entitled "On the Use of Grand Juries" appearing on April 27, The Miami Herald raised doubts as to whether or not this report truly represented the voice of the Grand Jury. We state without equivocation that the report was the unanimous thinking of the Grand Jury only and that this Jury is not now, nor has it ever been under the control of anyone.

The Miami Herald points out in its editorial that "The Jurors are private citizens, endowed temporarily with awesome power, answerable to no one at the polls." We remind The Miami Herald that it has permanent awesome power and unfortunately is answerable to no one.

NORTH BAY VILLAGE

North Bay Village has been an island unto itself. Prostitutes have frequented various restaurants and bars along the glittering 79th Street Causeway. Known hoodlums, jewel thieves and unsavory characters of all types have been allowed to frequent these bars and restaurants with little or no interference or discouragement from the North Bay Village Police Department, or the managers and owners of these establishments.

From the testimony we heard, it is obvious that the local police department has not done an adequate job of policing these night clubs and bars. The Dade County Vice Squad has made 31 prostitution arrests in North Bay Village since 1964. The majority of these arrests were made in the Bonfire Restaurant, the Harbor Lounge and the Penthouse Lounge.

The State Beverage Department has been lax in carrying out its duties. Testimony revealed that with any concerted effort on the part of the beverage agents in this area, licenses could have been revoked and other punitive or corrective action taken by the State Beverage Department.

The citizenry of North Bay Village is not blameless. Apathy on the part of the Village Council and residents contributed greatly to this undesirable situation. It appears the governing body of North Bay Village has shown a lack of concern about unsavory conditions existing in their municipality. There is no doubt, from the testimony we heard, that the Village Council, City Manager and local police knew the situation existed, but were apathetic and lax in taking affirmative and corrective action.

Testimony before the Grand Jury revealed that last December the prior Village Council entered into an agreement with the restaurant and night club operators giving them 120 days to "clean up" their establishments. It was an exercise in futility to give these operators an opportunity to clean up a situation they had allowed to develop and never attempted to remedy. It is noteworthy that the period of 120 days carried the club operators through the winter season. In labor-management relations this is known as a "sweetheart contract." It was not the product of a responsible governmental entity.

The failure of the Civil Service Board of North Bay Village to support the discharge of a police officer whose actions failed to meet minimal standards has been a strong factor in the problems of this community. Testimony revealed that a North Bay Village police officer, after having been an alibi witness for a known robber and jewel thief, was suspended from the police force. His testimony later proved to be inaccurate. Despite this, the officer was reinstated by the Civil Service Board.

This police officer was called before the Grand Jury at various times during this investigation. The last two times he appeared, he refused to sign a Waiver of Immunity. There is no excuse for a public servant, especially a law enforcement official, refusing to sign a Waiver of Immunity and testify before a Grand Jury or any other duly constituted body when his testimony may aid and assist in an investigation concerning a matter of grave public interest.

Testimony revealed business establishments and bar and restaurant owners in North Bay Village are solicited for gifts for city employees at Christmas time. Cash, and in one instance jewelry, was given to

members of the police and fire departments. This practice should be immediately discontinued. A police officer who receives cash or jewelry gifts from a bar or restaurant owner will obviously have a conflict of interest.

There has been no evidence before the Grand Jury showing that prostitution was organized. In fact, the testimony revealed that these prostitutes were working on a free-lance basis. Testimony revealed that some prostitutes engaged in this criminal activity as a means of obtaining money to buy narcotics. Although we found no evidence of organized crime infiltrating the various business establishments in North Bay Village, we urge the State Beverage Department to make an intensive investigation in this area.

This Grand Jury recommends:

1. That the closing hours for the liquor establishments in North Bay Village should be no later than 5:00 A.M. The present closing hour has contributed to the problems of North Bay Village.
2. That the entire police department of North Bay Village be revamped and adequately compensated and staffed.
3. That solicitation for Christmas gifts for Village employees cease. North Bay Village should adopt Metropolitan Dade County's regulations regarding the acceptance of gifts by employees.
4. That the police department of North Bay Village seek the aid of other law enforcement agencies in Dade County when it cannot handle a situation.
5. That an immediate report of all prostitution arrests made in bars and restaurants in North Bay Village be sent to the State Beverage Department for appropriate action against the licensed premises.

6. That known criminals or Mafia members and their associates who live in North Bay Village or who frequent cocktail lounges and restaurants there be kept under police surveillance.

7. That appropriate action be taken by the North Bay Village Council and Civil Service Board against the aforementioned police officer of North Bay Village for his refusal to sign a Waiver of Immunity and testify before this Grand Jury on two separate occasions. We have called to the attention of the North Bay Village Council the violation of the Metropolitan Charter, Section 802, by the refusal of the officer to sign a Waiver of Immunity and testify concerning his employment and official duties.

8. That the Village Manager and the Village Council institute stronger directives and more definite procedures for their local police department to follow in policing and enforcing the laws affecting prostitution and liquor violations in the various restaurants and bars.

COMBINED FORCES

We believe the Combined Forces is a worthwhile, practical organization and should be continued. During the term of this Grand Jury, the Combined Forces have effected over 50 arrests, 20 of which were for serious crimes, and Informations filed.

At the inception of our term, we were impressed with the organizational structure and the effectiveness of the Combined Forces Group. During our term, we could not help but observe more and more lack of participation by various law enforcement agencies to such a degree that we deemed it necessary to inquire into the causes. Our investigation revealed that county-wide arrest powers were needed.

After several meetings and discussions with the County Manager and the Director of the Department of Public Safety, an agreement was reached between the said county officials, the Grand Jury, and participating members of the Combined Forces, to deputize and thereby give county-wide arrest powers to all members of the Combined Forces with the understanding that the group would operate under the direct control of the Dade County Grand Jury and be supervised by an officer of the Public Safety Department. Under this plan, the Combined Forces will continue its activities in the field of surveillance, arrests, and reporting on crime figures in this area.

The major municipalities interviewed by this Grand Jury have all indicated their interest and belief in a continuation of the Combined Forces Group in the operations and philosophy as originally established under the auspices of the last Grand Jury. The same municipalities are more than anxious to participate once again under

the same leadership and purposes as served the Combined Forces Group in its original inception.

It is the opinion of this Grand Jury that it is imperative that the Combined Forces Group continue to function as an arm of and responsible to the Grand Jury; a diverse body having no personal or political aspiration, and that they be empowered to continue the police work for which the group was originally created.

BAIL AND SUPERSEDEAS BONDS

We have conducted an investigation into the law and procedures governing the release of defendants on bail prior to trial and subsequent to conviction when the convicted defendant has taken an appeal. Our major concern is that some defendants, such as the professional criminal who is "in business" all the time he is free or the pathological criminal, will commit further crimes while on bail.

The detention of such dangerous criminals prior to trial is clearly unauthorized under our present bail system. Confinement of persons accused of crime is not the purpose of bail; on the contrary, the spirit of the procedure is to enable them to stay out of jail until a Judge or jury has found them guilty. The requirement of bail is not intended to prevent the commission of crimes between indictment and trial; its sole purpose under present law is to prevent flight, and it may not be set in an amount greater than is necessary to prevent attendance at trial.

We believe that our present bail system should be changed in order to authorize the preventive detention of those accused of serious crimes. Section 9 of the Declaration of Rights of the Florida Constitution affords an absolute right to bail to all persons charged with non-capital offenses. We recommend that the Florida Legislature amend this section of the Constitution to provide that all persons shall be bailable, except for capital offenses or offenses punishable by life imprisonment, such as robbery, and breaking and entering with a weapon, where the proof is evident and the presumption great. Such an amendment, if

approved by the Florida electorate, would expand the range of cases in which pre-trial release could be denied.

The problems surrounding appeal bonds is substantially different from pre-trial bonds. The latter are based on the presumption that the accused is innocent until proven guilty. After conviction, however, this presumption of innocence vanishes and is supplanted by a heavy presumption of guilt. While the defendant has a right to appeal his conviction, he has no right to be released on bail while his appeal is pending. Of course, the trial court has the discretion to grant bail pending appeal. However, we urge the trial courts to exercise caution in the use of this discretion, and to bear in mind that society, as well as the individual defendant, is entitled to due process of law.

There is one aspect of the law governing appeal bonds which we feel should be changed. Under the present system if bail on appeal is to be denied, the prosecution has the duty of showing that the appeal is either frivolous or taken for the purpose of delay. We recommend that the Florida Legislature shift this burden to the convicted defendant by enacting legislation which provides that bail may be allowed pending appeal only if it appears that the case involves a substantial question which should be determined by an appellate court.

With such legislation and with greater care in the exercise of discretion by the trial courts, the convicted defendant will no longer enjoy the lengthy delay in his confinement occasioned by extended appeals.

STATE ATTORNEY RICHARD E. GERSTEIN
AND STAFF

Richard E. Gerstein, the State Attorney for Dade County, has given us his time and services in a most efficient manner. We have confidence in his integrity and appreciate the efforts he put forth in our Narcotics Investigation, his assistance in the North Bay Village Investigation, and our study of the school walkout.

We wish to express our thanks to Assistant State Attorney Joseph Durant for his legal guidance. His knowledge of criminal law has been extremely important to us.

Assistant State Attorney David Goodhart has presented Capital Cases with professional competence. We wish to thank him for all help rendered us.

We have nothing but praise for Special Counsel Joseph P. Manners for his efforts with the Combined Forces. He worked diligently with the police departments of many municipalities to correlate all information on known hoodlums and unsavory characters.

A personal note of acknowledgment must be made to Special Investigator Martin F. Dardis and his staff for the outstanding services rendered to the Grand Jury in their investigation of the school crisis, information related to the wide-spread narcotics violations and answers to our many other queries.

A special acknowledgment should be given to Miami Police Officer William H. Riley. Although he received no compensation from the Grand Jury, he went much further in the investigation of narcotics than we, the Grand Jury, expected. Without his efforts, we could not have issued *capias*' to these narcotics' violators.

ACKNOWLEDGMENTS

During the term of this Grand Jury, many individuals, groups, police chiefs, public officials, and departments have served us and served us well. In particular, without intentionally overlooking the majority of those involved, but for purposes of brevity and brevity alone, we wish to express our sincerest appreciation to the following:

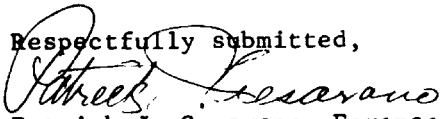
We have enjoyed and appreciated our relationship with the Honorable Harvie Duval, Judge of the Circuit Court, who has been our presiding Judge. We have found Judge Duval to be extremely conscientious in carrying out his duties and responsibilities to this body. At all times he has been courteous and helpful without objecting or hesitating to advise and counsel with us.

We express our appreciation to the Clerk of the Circuit Court, E. B. Leatherman, who has assisted Judge Duval and this Jury during our term.

Once again, Eleanor M. Robinson must be singled out for commendation and appreciation. Her efficiency in handling the many administrative details of the Grand Jury is extraordinary and is coupled with a very sincere devotion to her duties.

The bailiff of the Grand Jury, W. Rufus Holzbaaur, has also performed his duties in a conscientious manner.

Respectfully submitted,


Patrick J. Cesarano, Foreman
Dade County Grand Jury
Fall Term 1967

Attest: Carmela A. Sauter
Carmela A. Sauter
Assistant Clerk

Date: May 14, 1968