

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

FALL TERM A. D. 1968

FINAL REPORT OF THE GRAND JURY

Filed

May 13, 1969

Circuit Judge Presiding

JAMES LAWRENCE KING

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Bailiff

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ELISHA HAM, JR.	Rape	True Bill
JOHN DARRISAW	Unlawful Sale of Narcotic Drug (Three Counts)	True Bill
BILLY RAY GAINES	Unlawful Delivery of a Central Nervous System Stimulant	True Bill
CLARENCE POWELL, JR.	First Degree Murder	True Bill
TOMMIE LEE HARRIS	Assault with Intent to Commit Rape	True Bill
LONNIE FOSTER and WILLIE ROBERT FOSTER	Rape	True Bill
CHARLES RAY ARNOLD	First Degree Murder	True Bill
SANDRA PADGET	Unlawful Sale of Narcotic Drug	True Bill
ROBERT D. GEOMETTA	Unlawful Sale of Narcotic Drug	True Bill
CURTIS LEDELL INGRAM, also known as CURTIS INGRAM	Rape	True Bill
WILLIAM HALSEY	Unlawful Sale of Narcotic Drug	True Bill
DANIEL JOHNSON	Unlawful Sale of Narcotic Drug	True Bill
DAVID LEVINS	Unlawful Delivery of a Hallucinogenic Drug	True Bill
JOHNNY KELLY	Rape	True Bill
DOMINGO GARCIA	Rape	True Bill
BOBBY ALLEN BRYANT	First Degree Murder	True Bill
JAMES WILLIAMS and MOSE HARRELL, JR., also known as LEROY WILLIAMS	First Degree Murder	True Bill
ALBERT J. GESSA, ROBERTO LUIS GOMEZ and LOUIS E. LAUREANO	Rape	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
HOWARD JOHNSON	First Degree Murder	No True Bill
HANZEL BAKER, JR.	First Degree Murder	No True Bill
MAURICE HOWARD	First Degree Murder	No True Bill
CLEVELAND WILLIAMS	First Degree Murder	No True Bill
DANIEL CHASTEEN	First Degree Murder	No True Bill
FREDERICK YOKOM and PETER KOULIZOS	First Degree Murder	True Bill
GEORGE RILEY KNOWLES	Second Degree Murder	True Bill
BILL MONROE HEARNS and TROY LEE WEBSTER	First Degree Murder	True Bill
MERLIN ROOSEVELT CURRY	Rape	No True Bill
JAMES ALLEN DASHER	Rape	True Bill
HUMBERTO TAMAYO	First Degree Murder	True Bill
NATHANIEL PRESSLEY	Assault with Intent to Commit Murder in the First Degree	True Bill
LONNIE FOSTER and WILLIE ROBERT FOSTER	Rape	True Bill
JAMES JULIOUS	Rape	True Bill
JAMES FRANCIS DEMPSEY	First Degree Murder	True Bill
JOSEPH FRISICANO	Unlawful Possession and Sale of a Narcotic Drug (Two Counts)	True Bill
SIEFE JOSEPH AWAD, JR.	Unlawful Possession and Sale of a Narcotic Drug (Four Counts)	True Bill
JOSE A. COSME-DOMINGUEZ, also known as JOSE A. COSME-DOMINGUEZ ROSARIO	First Degree Murder	True Bill
JIM TRICE	First Degree Murder	True Bill
SY CHADROFF and EARL JACKSON CARROLL	Conspiracy to Solicit A Bribe Soliciting a Bribe	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ROBERT GLENN ALTMAN and ERIC DAVID HALPERT	Unlawful Possession of a Narcotic Drug	True Bill
WILLIE LEE FRANKLIN	Rape	No True Bill
ANTHONY LAMAR GREEN	Rape	True Bill
STANLEY JOEL LEVINE and MALVIN ENGLANDER	Conspiracy to Solicit a Bribe Soliciting a Bribe	True Bill
JOHNNY LEE CLARK	Rape	True Bill
LUIS ENRIQUE PAVON	Second Degree Murder	True Bill
ARTHUR BOSWER and JOHNNIE JAMES LAW	First Degree Murder	True Bill
MANUEL CORTES CRUZ	First Degree Murder	True Bill
JAMES WALTER SANDERS and ALFRED JERRY GIBSON	First Degree Murder	True Bill
DOUGLAS WAYNE KIRBY	Rape	True Bill
HARRY HENRY BROWN	Rape	True Bill
HARRY HENRY BROWN	Rape	True Bill
ROLLIE MOSE MASON and JOHN LOUIS SMITH	First Degree Murder	True Bill
CHARLES GRADY	First Degree Murder	True Bill
FRANKLIN PETERSON	Rape	True Bill
JOE NATHAN CLOWERS	First Degree Murder	True Bill
JAMES ALLEN DASHER	Rape	True Bill
JAMES ALLEN DASHER	Rape	True Bill
EUGENIO HERBERTO ROJAS	First Degree Murder	True Bill
MARIO DENNIS GONZALEZ	Second Degree Murder	True Bill
EDDIE LEE McQUEEN	Rape	True Bill

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TO THE HONORABLE JAMES LAWRENCE KING, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

At the beginning of this Grand Jury's term, we conscientiously accepted the duty to see that this historical and time honored branch of government not be used for partisan or political purposes. Neither through fear nor favor did we deviate from this bounden duty. We were, therefore, most distressed when a local newspaper printed a statement that this Grand Jury had "been taken over by Kirk people." We assure the people of Dade County that this statement was baseless and unwarranted, and we are certain that in the ensuing report, we speak not for the conscience of the Governor or any other public official, but rather, we speak for the conscience of our community under our sworn duty.

DANGEROUS DRUG INVESTIGATION

The investigation of the narcotics problem in Dade County, begun by prior Grand Juries, and continued by the Fall Term 1968 Grand Jury confirms the widespread use of and traffic in illicit drugs in this community. The sale and use of marijuana and other drugs by our younger citizens, of school age from elementary through college, is so prevalent that most of them know where to buy drugs and which students use drugs. The use of drugs by students has become so commonplace that it has created the danger of becoming an acceptable practice.

The results of the Grand Juries' continuing investigation has not in any way eliminated "organized crime" from this field of criminal activity. The investigation does show, however, that an astounding volume of traffic in marijuana and other drugs is being conducted on what can be best described as a "free lance" operation. This widespread, disorganized aspect of drug abuse has made law enforcement increasingly difficult. In some areas, the available law enforcement facilities are hopelessly inadequate in relation to the magnitude of the problem.

We of the Grand Jury are most favorably impressed by the overall public concern for this problem. It is a source for optimism to observe the many well motivated and dedicated people, both in law enforcement and public service, official and unofficial, who are giving their time and energy to combat this menace. While these people are to be complimented for their efforts, it is apparent from our investigation that the effectiveness of their efforts has many times been diluted for lack of unification of effort and consolidation of information.

While the Grand Jury recognizes that the narcotics problem can only be substantially eliminated through education and an over-all improvement in moral responsibility on the part of every potential drug user, our recommendations must be directed to law enforcement and public officials responsible for law enforcement.

After thorough investigation, with the cooperation of law enforcement officials and other persons expert and interested in this problem, we strongly recommend:

1. That a county-wide Dangerous Drug Unit should be created by the Dade County Metro Commission to operate independently of all other agencies throughout the County. The Dade County Metro Commission has the power and should immediately create this central unit. It is recommended that this narcotics bureau maintain files and records for use by all narcotics law enforcement units, and such bureau shall become a center for the exchange of information and coordination of narcotics law enforcement.

2. Education as the primary defense in discouraging the use of Dangerous Drugs. We commend those individuals and organizations involved in this pursuit and encourage the continuation and expansion of such programs and efforts.

3. All existing laws pertaining to drugs and narcotics be combined into one Florida Omnibus Narcotic and Drug Control Bill. In this regard, we recommend that the Legislature and the citizenry strongly oppose any attempt to legalize the sale and use of marijuana or any other Dangerous Drug.

4. The law should be written to include a provision that all existing and newly discovered harmful drugs may be included in the above Bill.

5. The State Attorney should have the power to grant immunity at his discretion in all matters relating to the Dangerous Drug problem.

6. The procedure to obtain search warrants should be expanded to include all Dangerous Drugs.

7. School officials should exercise the right to search lockers in the school where they have reason to believe that Dangerous Drugs may be secreted.

8. Exploring the feasibility of establishing a separate division in our Criminal Court for Dangerous Drug cases with especially trained personnel.

9. The Stop and Frisk Law should apply to all Dangerous Drugs and we specifically recommend that the necessary legislation be enacted by both the County and the State.

10. Although it is not always desirable to jail youthful persons for violating the drug laws of the State of Florida, it is also not always desirable to completely ignore such violations. To meet this problem, the Grand Jury recommends that all law enforcement agencies and the courts dealing with these youngsters undertake a "public chore" program whereby those offenders suitable to rehabilitation be required to perform public chores in their free time in lieu of serving time in jail or obtaining a criminal record.

11. Passage of a wire tap law modeled after the Federal Statute to enable more effective enforcement of the Dangerous Drug laws.

12. More rigid control of the legal sources of Dangerous Drugs including doctors, hospitals and pharmacies.

13. During school hours, provisions should be made by the School Board whereby all children be under supervision or at least under observation.

14. A county-wide program should be instituted for educating parents to the problems of drug abuse, how to recognize symptoms, and how and where to seek assistance.

15. The Grand Jury has conducted numerous investigations and taken testimony from many witnesses relative to the violation of our drug laws. Without intending criticism of any law enforcement agency, we have become aware that more controls over drugs after they have been seized by police are necessary. We have observed many instances where drugs have been seized by police, but no record made of the seizure. In some instances, law enforcement officers have retained personal custody of these drugs. While we have seen no violations of the law by these officers and we do not imply wrongdoing to them, we feel that this could be a dangerous practice and lead to abuses. We recommend a better system of controls over all drugs coming into the possession of law enforcement agencies and a complete record system showing the custody and transfer of all such drugs at all times after they have been seized by the police. All narcotics seized should be kept in a separate, secure storage place and not to be removed except for official court business, and a written record made for such removal.

SCHOOL DISCIPLINE INVESTIGATION

DISCIPLINE DEFINED

A set or system of rules and regulations coupled with instruction and exercise, designed to train to proper conduct or action, to maintain a state of order, and enforceable by punishment in varying degrees for their violation.

This Grand Jury believes that the Dade County School System has a system of discipline that conforms with the above definition. However, these rules have not been enforced to the degree necessary to maintain a state of order.

For many years, the Dade County School System, as well as school systems throughout most of the United States, operated with a minimum of discipline problems. With the advent of integration, the problems within the schools multiplied and have grown to almost chaotic conditions in some localities. We believe, at the time of forced integration, these problems could have been anticipated due to the relative calm in the majority of the nation's schools, as compared to the chaotic conditions in the highly integrated areas such as in parts of New York City. We further believe that the School Board at this time should be primarily concerned with maintaining stability and discipline in the Dade County School System.

In formulating our opinions, this Grand Jury has considered testimony of members of the Dade County Board of Public Instruction, Dr. E. L. Whigham, Superintendent of Public Instruction, Mr. John W. Tyler, Security Assistant to the Superintendent of Schools, written suggestions from 33 Junior and Senior High School Principals, and written complaints from parents of Dade County school children.

This Grand Jury suggests that the following recommendations be considered without regard to the order in which they are listed. We consider each of equal importance:

1. As the Board of Public Instruction is a policy making body and not a disciplinary body, the power of expulsion should be given to a Board comprised of the Supervisors from the six school districts, plus the Principal recommending the expulsion. A Principal's suspension authority should be extended to allow such time as necessary to schedule a hearing before the Expulsion Board.
2. The option of expulsion be used to a larger degree than in the past. We cannot justify an attempt to save one incorrigible at the expense of 30 other children in a classroom.
3. Schools of the Douglas MacArthur type be opened in Northern, Central and Southern areas of Dade County for the training and education of emotionally disturbed children.
4. Junior and Senior High School classrooms should be connected to the school office by an emergency call system. Due to the increasing rate of serious incidents and felonious acts occurring in the schools, many teachers spend their day in fear and out of reach of immediate help.
5. Any unauthorized demonstration or assembly of students must be grounds for expulsion.
6. At the discretion of the Principal, each Junior and Senior High School be authorized permanent security personnel on the basis of one for each 1000 students or portion thereof enrolled. These employees will be under the direction of

the Security Director and will have arrest powers if and when such powers are granted by the State Legislature.

7. Punishment, with the exception of corporal punishment, may be conducted in public at the teacher's discretion. Corporal punishment while conducted in private should be made public within the school. Whether it be an expulsion or an apology to a teacher, all students must be made aware that the disciplinary system is being enforced.
8. Although our investigation has been focused on the existing problems in the Junior and Senior High Schools, we also believe a policy of strict disciplinary education be directed at the elementary school level.
9. A system of spot checking student lockers be instituted to reduce the incidence of narcotics, weapons, etc. circulating in the schools.

PORT AUTHORITY LEASES

The Grand Jury conducted an investigation regarding the new lease granted by the Dade County Port Authority to the Dobbs House Division of Beechnut, Inc., effective January 1, 1969.

The basic allegations of impropriety concerning this lease were that:

1. The new lease was awarded by negotiations without public bid.
2. The time and place of negotiations between the Dade County Port Authority and the Dobbs House was not advertised as required by law when negotiating an exclusive contract.
3. The new Dobbs House lease was the only lease renegotiated between a concessionaire and the Dade County Port Authority.
4. Certain County Commissioners took a particular interest in the Dobbs House lease negotiations.
5. Public officials solicited or received bribes in connection with the new Dobbs House lease.
6. Money improperly changed hands in connection with this lease.

An exhaustive investigation was conducted and all persons having any interest in this matter were given an opportunity to present testimony.

As to the basic allegations of impropriety, the Grand Jury finds:

1. The new Dobbs House lease was in fact, awarded by

negotiation and without public bid. This is entirely legal at this time and in accordance with the present Port Authority Law which permits concessions and contracts to be awarded by negotiation.

2. The time and place of the negotiations between the Dade County Port Authority and Dobbs House was, in fact, not advertised as required when negotiating an exclusive contract. The Port Authority requested its Legal Department to give it an opinion as to whether or not the Dobbs House lease was an exclusive contract which would then have required the Port Authority to advertise the time and place of negotiations. The Legal Department advised the Port Authority that the contract was not exclusive and that it was therefore unnecessary to advertise the time and place of negotiations. The Grand Jury is not an Appellate Court and will not review the legal decisions of the legal staff, a branch of the County Law Department, in the absence of any improprieties which are not found in this case.
3. The Dobbs House lease was not the only lease being renegotiated. As a matter of fact, approximately one year before negotiations were ever commenced, all the concessionaires at the Airport were advised of the desire of the Dade County Port Authority to extend all of its leases ten (10) years in consideration of the concessionaires agreeing to a new per capita rental arrangement, and further agreeing to expend certain sums of money for needed capital improvements at the Airport.

4. There is no evidence that any County Commissioners took any special or particular interest in the Dobbs House lease extension.
5. There is no evidence that any public official solicited or received any bribes in connection with the Dobbs House lease.
6. The Grand Jury, recognizing its responsibility under the law to deal in facts and not speculate, does not find that any money improperly changed hands in connection with this lease. It is not the province of this Jury to speculate on the propriety of legal or accountant's fees, contingent or otherwise, voluntarily agreed to between private parties. As long as these fees do not involve public officials, any question with reference to them, is best left to the Florida Bar Association and the State Board of Accountants.

RECOMMENDATIONS

The Grand Jury recommends as follows:

1. The Dade County Commission conduct public hearings to re-evaluate the present no-bid procedures at the Port Authority to determine if it would be in the best interests of the public to change this procedure to one requiring public bids.
2. The time and place of all negotiations involving any contract or concession not submitted to public bid be advertised sufficiently in advance to permit the public to be present at said negotiations.

3. Incidental to this investigation, the Grand Jury determined that on occasion matters are submitted to the Dade County Commission by individuals who may be jointly interested with one or more Commissioners in other private projects. Although it is not presently a violation of the conflict of interest laws for the Commissioner to vote, under such circumstances the Grand Jury suggests that the Commissioner so involved make known his relationship and abstain from voting on the particular project.

CONCLUSION

The Dade County Port Authority and the Dade County Commission who constitute the Port Authority all fully cooperated with the Grand Jury and are entitled to our thanks.

AIRPORT PARKING GARAGE

The Grand Jury investigated certain complaints with reference to the new parking garage to be constructed at the Dade County Port Authority.

There does not appear to be any legal impropriety on the part of any members of the Dade County Commission, and the Grand Jury will not substitute its judgment for that of the Commission and its staff in investigating and considering such proposals as they consider to be in the best public interest.

DINNER KEY AUDITORIUM

During this Grand Jury's term, one Jim Morrison, a member of a group of entertainers known as "The Doors" gave an obscene performance before several thousand teen-agers in the Dinner Key Auditorium, a public facility owned by the City of Miami. Since Morrison had already been charged by the State Attorney's Office with several crimes as a result of his performance, we limited our investigation of the matter to a determination of what restrictions or controls the City of Miami has over the type of acts to be performed in facilities owned by said City.

We first determined that while the agreement for leasing the Dinner Key Auditorium does give the City Manager of the City of Miami the power to prohibit the use of the premises to a prospective performer, it wholly fails to provide the City Manager with any power to require prospective performers to submit evidence of their fitness to use the Auditorium.

We are pleased to report, however, that this deficiency in the lease has been rectified by the Miami City Commission by the enactment of Ordinance No. 7757. This ordinance requires any person or group of persons seeking to give a performance in a city-owned facility to submit a sworn application to the City Manager which shall contain the names and addresses of each performer, a description of the type of acts to be performed, whether any of the performers have ever been denied the use of any other public facilities, whether any of the performers have prior arrest records, the estimated number of persons expected to attend each performance, and whether it has been necessary in past performances to provide police protection.

In our desire to protect the morals, safety and welfare of all of the citizens of Dade County, we make the following recommendations:

1. That the City Manager of the City of Miami strictly enforce the provisions of the above-described ordinance.
 2. That the Dade County Commission and the City Commissioners of our various municipalities consider the feasibility of enacting ordinances similar in content to the Miami ordinance.
- We sincerely believe that such a law will effectively close the doors of public facilities in Dade County to anyone who equates obscenity with entertainment.

CRIMINAL COURT INVESTIGATION

This Grand Jury received a complaint that certain records of a Court Reporter had been altered or omitted in the Criminal Court of Record of Dade County, Florida, in two specific cases in violation of the appropriate Florida Statute, and this Grand Jury being interested in the efficient administration of criminal justice in this County did subpoena and/or examine depositions and records of numerous parties connected thereto, and did receive the sworn testimony of the Criminal Court of Record Judge involved therein, and other witnesses.

After a thorough investigation of this matter, it is the finding of this Grand Jury that there is no evidence to show any violation of the appropriate Florida Statute concerning alteration or omission of records in the above referred to matter.

We further state in all sincerity that we feel it is the duty of every Judge and Court Reporter in Dade County to at all times follow the strict rules as provided by the Florida Statutes and The Rules of Criminal and Appellate Procedure in all criminal cases and to avoid any situation that might tend to, or lead persons to believe, that public records do not accurately reflect the true testimony and law given by the Court.

THE BAKER AFFIDAVIT INVESTIGATION

The Grand Jury has fully investigated the content and allegations of the affidavit filed April 24, 1969 by Judge Paul Baker, relating to the Diamond-Edwards case alleging improprieties by the Honorable Claude R. Kirk, Jr., Governor of Florida.

From the evidence and testimony presented, we the Grand Jury of Dade County find that there have been no improprieties whatsoever on the part of the Governor of Florida.

INVESTIGATION OF BREACH OF GRAND JURY SECRECY

The Governor's Task Force brought to the attention of this Grand Jury an alleged violation of the secrecy rule of the Grand Jury. Witnesses were interrogated and the Grand Jury found that there was in fact no breach.

INVESTIGATION OF CRIME IN LIBERTY CITY

The Grand Jury conducted an inquiry into law enforcement in Liberty City as a result of complaints of numerous robberies and assaults upon salesmen and collectors working in the area. Statistics indicating a steady increase in such crimes supported the complaints.

Law enforcement officials assured this Jury that there has been no weakening of police effort in these areas in recent months. They attribute the increase to the same circumstances which have caused a nation-wide breakdown in observance of the law.

It was made clear that law enforcement and the apprehension of criminals has been made difficult, if not impossible, due to the lack of cooperation by local citizens who witness these crimes. It is alleged that these citizens will not cooperate with the police for fear of reprisal at the hands of young criminals.

The Grand Jury recommends:

1. That the police continue their program of public relations to improve relationships with the citizens of the area.
2. The responsible citizens of the area should form neighborhood associations to encourage support of the police and perhaps advise public officials.

We commend those citizens who have come before this Grand Jury and testified in connection with crimes in this area.

CELONA INVESTIGATION

The Grand Jury, a few days ago, had brought to its attention by the Assigned State Attorney, the Honorable Gordon G. Oldham, Jr., an important matter which concerned the possibilities of violations of the law by law enforcement officers and perhaps others in Dade County, Florida. We discussed this matter with the Director of the Public Safety Department of Dade County, Florida, and it was our feeling that at the present time all the known facts had not been developed to a point where the State Attorney's Office could present this matter completely to the Grand Jury before the termination of our term.

Therefore, we recommend to the next Grand Jury that, upon proper instruction from the Assigned State Attorney, or the State Attorney, that they promptly and efficiently investigate the full facts concerning the above matter and take whatever action is appropriate under the laws of the State of Florida.

PUBLICATION OF FINAL REPORTS OF GRAND JURIES

This Grand Jury, as have Grand Juries in the past, feels that the general public is entitled to be apprised of all matters contained in Final Reports of Grand Juries. This is possible only if the entire report is set forth in one of our daily newspapers, which unfortunately is rarely done.

Since we are not authorized by law to expend our funds for this purpose, we strongly recommend that the County Commission appropriate the necessary funds to have the entire contents of this Final Report published in one of our daily newspapers.

ACKNOWLEDGMENTS

We would like to thank the Honorable James Lawrence King, our presiding Judge, for his conscientious attention to the problems of this Grand Jury.

His knowledge and foresight have been of great value to us, especially when advice and counsel were needed.

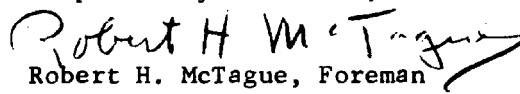
This Grand Jury has been extremely fortunate to have the guidance of Judge King.

We express our appreciation and sincere thanks to Eleanor M. Robinson. Her efficiency and competency as Administrative Assistant are extraordinary and we commend her for her sincere interest and devotion to her duties.


The direction and advice of the State Attorney's Office has been indispensable to the functioning of this Jury. We would like to commend all members of that Office who have worked with the Jury.

We wish to extend our thanks for the cooperation of all law enforcement bodies and public officials upon whom we have called.

Respectfully submitted,


Robert H. McTague, Foreman
Dade County Grand Jury
Fall Term 1968

Attest:


Anne L. Major
Clerk

Dated: May 13, 1969