

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

FALL TERM A. D. 1969

FINAL REPORT OF THE GRAND JURY

Filed

May 12, 1970

Circuit Judge Presiding

FRANCIS X. KNUCK

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ERNEST HINTERKOPF, Vice Foreman

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JAY CLARENCE PAUL	First Degree Murder	True Bill
WATTAZELLA CALDWELL, LEON JAMES COOPER and WALTER THOMAS	Rape	True Bill
JAMES EDWARD NAPIER, EDWARD ROBINSON, ALFRED EUGENE WHITTER and OSSIE WHITTER	Rape	True Bill
JERRY SMITH, LAWRENCE UNIVESTER HARGRETT and GUY LEAMON HINES	First Degree Murder	True Bill
WILLIAM LEWIS	First Degree Murder	True Bill
TOMMIE LEE SMITH	Rape	No True Bill
SCOTT ERIC RADON and RONALD WALTON AMBROSE	First Degree Murder	True Bill
CHARLES HENRY GIBSON	Rape	True Bill
HENRY MILANDER and MORRISS WOLFE	Conspiracy to Commit Grand Larceny Grand Larceny (2 Counts)	True Bill
JAMES ELAM	Rape	True Bill
CHARLES GRABLE, JR.	First Degree Murder	True Bill
LARRY DONNELL CLEMENTS	Rape	True Bill
LARRY DONNELL CLEMENTS	Rape	True Bill
LARRY DONNELL CLEMENTS	Rape	True Bill
DIOGENES RINCON	First Degree Murder	True Bill
ANDRE MURRAY RHYMES and NATHANIEL PRESSLEY	First Degree Murder	True Bill
ANDRE MURRAY RHYMES, NORMAN LEE THOMPSON, and NATHANIEL PRESSLEY	First Degree Murder (2 Counts)	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
NATHANIEL PRESSLEY, EUGENE MILEY, CHARLES ELWOOD COBB, also known as CHARLES ELWOOD COBBS, and LAWRENCE DEAN EVANS	First Degree Murder (2 Counts)	True Bill
EUGENE FARRIS WELLS	Second Degree Murder	True Bill
J. HOSEA SMITH	Conflict of Interest	True Bill
ALVIN JOHNSON	Rape	True Bill
HAROLD A. GREENE	Acceptance of Unauthorized Compensation for Performance of Duty	True Bill
RAYMOND L. NEWTON and GERMAINE CASTIEL NEWTON	First Degree Murder	True Bill
JOSEPH SAWYER	First Degree Murder	True Bill
RALPH CORNELL COOPER	Rape	True Bill
LARRY DONNELL RIGBY	Rape	True Bill
WILLIAM ROBERT COLE	Rape	True Bill
EUGENIO SILVA	Abortion and Unauthorized Practice of Medicine	True Bill
DAVE MARCUS	Bribery (2 Counts)	True Bill
DAVE MARCUS and RICHARD RIGGINS	Conspiracy to Violate Lottery Laws Aiding and Assisting in Conducting a Lottery	True Bill
ANTHONY JOSEPH DELANO and FRANK S. CILINCEON	Accepting a Bribe (2 Counts)	True Bill
ANTHONY JOSEPH DELANO, FRANK S. CILINCEON and DAVE MARCUS	Conspiracy to Accept a Bribe Conspiracy to Pay a Bribe	True Bill
ODES NEAL HAMILTON and RAYMOND AUGUSTA BLACK	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
WILLIE ROLLE, JR.	Rape	No True Bill
BARNEY EVANS BROWN and EDWIN LAMPKIN	Rape	True Bill
BARNEY EVANS BROWN and EDWIN LAMPKIN	Robbery	True Bill
BARNEY EVANS BROWN and CORNELIUS CANNON	Rape	True Bill
BARNEY EVANS BROWN and CORNELIUS CANNON	Robbery	True Bill
HARRY MURPHY, JR.	Rape	No True Bill

PHILOSOPHIC COMMENTARY ON THE RISE OF LAWLESSNESS

For a thousand years, Western civilization has struggled against oppression and tyranny. Historically the appeal has been to curb intolerance and to elevate the rights of the individual. Slowly and with great pain, repressive societies were overcome and more liberty for the individual was gained. The heart of this upward movement was the appeal for toleration toward the thoughts, acts, and lives of others. The parallel lesson of history is that all great movements are pendulum-like and move from one extreme to another.

The past tyrannies of intolerance have swung today to become the tyrannies of total permissiveness and excusability. All around us we see the havoc of toleration and permissiveness gone wild. The religious institutions are weakened by diversity, legal systems are threatened by sophistry; moral codes are diminished and deemed old-fashioned, and each person "does his thing." Discipline is despised; thrift is scorned, respect for the intent of the law is archaic; the rights of the one have risen to transcend the rights of the group.

We of the Grand Jury have seen many evidences of disregard for law, order and common good. We can only hope that our society stands at the high water mark of this decay. God help us if crime becomes worse before it gets better.

As we depart our tasks as Grand Jurors, we admonish others who will succeed us to be as intolerant of murder, rape, bribery, conflicts of interest, lying, cheating, and violations of sacred oaths and other assaults by individuals against our society as we were.

STEPS TO IMPROVE THE ADMINISTRATION OF JUSTICE

The Grand Jury is often in a position to observe laws which no longer adequately serve the citizens of our State and Nation. Certain laws are not realistic and should be updated. Other laws encumber law enforcement to the point where justice is thwarted.

With the knowledge gained from testimony of attorneys, learned jurists and legal scholars, this Grand Jury has recommended laws that should be changed NOW in this session of our Legislature. We have filed Interim Reports on Drug Abuse and Abortion, and we urge all citizens of this County and State to join us in seeking improved laws in these fields. Obscenity laws must be enforced on a local level or we will soon have a situation completely out of control.

The relentless exposure of crime and the criminal element must be maintained and accelerated. Corruption must be continually exposed. The innocent must be protected, and honest, dedicated public servants should be defended and praised by all citizens of this nation. All too often, misled persons foolishly give lip service to corrupt individuals and criminals who, for their own benefit, make every effort to defame public officials. Only a strong, determined effort by a thinking citizenry will encourage good public servants.

Respect for law and order must be taught our children in the home and in the school. Our President and other national and local public figures must set good examples by insuring that the law of the land is adhered to and enforced.

Based on the knowledge gained by us as Grand Jurors, we recommend that the following steps be taken immediately to improve the administration of justice in our community:

(1) We have found a shocking condition exists in the delay of justice in many of our courts. Ways to make faster trials available are absolutely essential. We, therefore, recommend that the Senior Judge of the Dade County Criminal Court of Record formulate rules of uniform procedure to expedite trials to improve the court's efficiency.

(2) The State Attorney's Office is understaffed and overworked. This office prosecutes approximately 14,000 cases annually with a staff of only 44 lawyers, and is currently faced with a backlog of several thousand cases. No citizen charged with a crime would ever consider employing for his defense a law firm with a similar staff and case load. The citizens of Dade County deserve better representation than this. We recommend that the number of Assistant State Attorneys be increased by no less than 20. In addition, if the present high rate of turnover of Assistant State Attorneys is to be reduced, compensation must be increased. The present beginning annual salary of \$7,500 for an Assistant State Attorney should be raised to \$10,000. Other salaries for experienced Assistants should be upgraded accordingly.

(3) While political consolidation may or may not be desirable, depending on your viewpoint, there is no doubt that there are many areas where additional cooperation between the various municipal police departments and the Dade County Public Safety Department would be to the benefit of all Dade County citizens.

- a. There are presently five different radio bands in use in Dade County. This should be corrected immediately.
- b. There are presently two separate police academies in Dade County, one operated by the Public Safety Department, and the other by the City of Miami Police Department.

Progress is being made toward the establishment of one county-wide police training facility at Dade Junior College. Federal funds are available if this plan is successful. The Grand Jury urges that this program be implemented as soon as possible.

- c. The Public Safety Department is presently operating a Computer Crime Information Center which is directly connected with the National Center in Washington, D.C. By employing this system, a police officer has access to criminal intelligence on a national basis within 17 seconds. We urge all municipal police departments to avail themselves of this service.

(4) This Grand Jury strongly recommends that the news media intensify their efforts toward informing the public of the performance record of the judiciary. It is virtually impossible for the average citizen to determine this information himself. Such factors as Judges who consistently have overcrowded court calendars because of their failure to properly expedite proceedings in their courts; facts concerning Judges who have a high percentage of reversals, and other information of this nature must be made easily available to the voting public.

(5) We also recommend that the Dade County Commission conduct a full and comprehensive study to determine appropriate action to improve conditions in the Dade County Jail.

STEPS TO ASSURE INTEGRITY IN GOVERNMENT

Now that public employees are no longer required to testify before the Grand Jury under a waiver of immunity, other information sources must be developed. We think the following would be important aids both to the Grand Jury and the citizen in improving the integrity of our local governments:

1. A Financial Disclosure Law.

As the Metro Charter Review Board has pointed out, an adequate Metro financial disclosure ordinance and state statute for all public officials and key employees on State, County and municipal payrolls is long overdue. Members of the President's cabinet and nominees for the Supreme Court of the United States make such disclosures and we see no reason for exempting County Commissioners and municipal officials. The ordinance should require filing a sufficient identification of sources of income as well as the information reflected by individual financial statements and copies of federal income tax returns. These filings should be kept current. Not only would such reports be a great aid to the Grand Jury in its investigations, we believe such disclosures would have an important self-policing effect. Matching the total income disclosure reflected by the federal income tax return with an itemized source of income statement will make it very difficult to hide illegal payments. Such reports will also let citizens determine the adequacy of public salaries when related to the increase in business and professional fees flowing from public office.

2. Proper Outside Audit

Section 4.03(G) of the Home Rule Charter requires the Metro Commission to provide for an annual audit of Metro by an independent certified public accountant. This auditor, as opposed to the internal auditor, should be the representative of the citizens, not the County administration. Therefore it is important that this audit be truly independent and searching. We endorse the proposal of the Metro Charter Review Board that the contract for this outside audit be rotated regularly among competent certified public accounting firms as was the pre-Metro practice. We further recommend this audit be as comprehensive as those made for the federal government by the General Accounting Office and for the State by the Legislative Auditor. Where the auditor finds something amiss the public should be immediately advised. If the annual outside audit of Metro in the past had been undertaken under such standards, many of the County's more serious problems might have been detected before they became a full-scale crisis.

3. Citizen's Bill of Rights

The Grand Jury must not be relied upon to do the whole job. Interested citizens also play an important part in policing the integrity and performance of their local governments. If citizens are to cast an informed vote at election time, they must be guaranteed the information they receive about their government is both truthful and complete. We recommend that no later than the next general election the voters be given the opportunity to add to the Metro Charter a Citizen's Bill of Rights of the type proposed to the Charter Review Board. Guarantees providing effective penalties for public

employees who deliberately furnish false information, proper notice of public hearings and postponements, the right to be present and be heard without unnecessary delays, prompt rulings by administrative departments with reasons for the action stated, and other requirements of administrative fairness should be provided in the Charter itself. As the proposed Citizen's Bill of Rights states:

"Government has been created to protect the governed,
not the governing."

All public officials need to be reminded of this constantly. We think the necessary guarantees to provide the public with full and accurate information and to insure all citizens fair and equitable treatment should be made a part of the Home Rule Charter.

CONFLICT OF INTEREST LAWS

Florida's Conflict of Interest Laws are far too narrow to provide effective safeguards against public corruption. For example, Section 839.09 applies to members of boards and councils, but does not apply to other officers.

The Legislature should completely overhaul the laws in this area and enact a comprehensive Conflict of Interest Law designed to prohibit State, County or Municipal Officials from, in any way, confusing their public and private identities. The Financial Disclosure Law recommended in the foregoing section of this report will aid substantially in the enforcement of the Conflict of Interest Laws.

CELONA INVESTIGATION

I. Reasons for Continuing Celona Investigation

- (a) This Grand Jury received a recommendation from the preceding Grand Jury that the Celona Investigation be continued and concluded as quickly as possible.
- (b) This Grand Jury felt that in performing its legal duties, it was necessary to continue the investigations started by the preceding Grand Jury, to provide a forum for investigation of matters which might arise out of that investigation, and to investigate new matters in this area.

II. Method of Conducting the Investigation

- (a) The previous Grand Jury conducted the Celona Investigation through Special Counsel and the Assigned State Attorney because allegations which were proven untrue, had been made against the State Attorney's Office. This Grand Jury followed the same procedure in order to avoid duplication and insure continuity.
- (b) The Grand Jury utilized the investigative services of the Organized Crime Section of the Dade County Public Safety Department to initiate and complete various aspects of the investigation. This served the taxpayers well in that it avoided the need for costly utilization of private investigative services. However, certain problems arose as to availability of the necessary manpower to complete specific areas of investigation. These manpower shortages were increased because much of the police time was needed in order to prepare the cases initiated by the preceding

Grand Jury for trial. While police work on cases always includes trial preparation, it, by necessity, is more extensive when the prosecutors are from other counties.

- (c) This Grand Jury continued to accept the services of the specially Assigned State Attorney from Orange County. The human limitations which one person has when attempting to serve as State Attorney for one's home county, prosecute numerous cases previously developed in an assigned county, and to develop new cases in an assigned county, has made for a difficult task - a result that is less than ideal.

III. The Grand Jury Findings

- (a) This Grand Jury, because there were no allegations made against the State Attorney's Office, and because of the findings of the preceding Grand Jury, found it would be unnecessary and unwarranted to conduct any investigation of that office.
- (b) This Grand Jury has returned indictments as a direct and indirect result of the Celona Investigation. In addition, certain direct Informations were filed by the Assigned State Attorney. Many of these charges related to illegal abortions and related matters.
- (c) The Grand Jury finds that illegal abortion activity is wide-spread and thus the abortion investigation should be continued.
- (d) The Grand Jury believing that in any continuing matter, the presenting of an indictment must not be the end of the matter was therefore gratified that several of the

indictments of the preceding Grand Jury have come to trial where the contents have been litigated under court room procedures and others are scheduled for trial.

IV. Recommendations

- (a) This Grand Jury recommends that the indictments returned by it, and the related direct Informations filed by the Assigned State Attorney be tried by the Assigned State Attorney who is prepared to prosecute them.
- (b) This Grand Jury recommends that the Celona Investigation be continued to its ultimate conclusion in the near future and that in this regard the incoming Grand Jury consider hiring Special Counsel, who will be available to prosecute any new indictments that it returns. This recommendation is made with the belief that Dade County is capable of "cleaning its own house" and with the recognition of the difficulties that arise when prosecutors have prosecutive duties in more than one geographic area.

SUMMARY OF INTERIM REPORTS

During the course of its service, the Grand Jury filed six Interim Reports. A summary of each follows:

1. The Grand Jury received a complaint and conducted an investigation concerning a possible conflict of interest in a vote cast by County Commissioner, R. Hardy Matheson. After the hearing, and by its Interim Report of December 16, 1969, the Grand Jury found no violation of the Florida Statutes nor any conflict of interest, and cleared Commissioner Matheson of the charge.

2. By an Interim Report dated January 20, 1970, the Grand Jury expressed the view that the public interest would be best served by the news media if no speculation concerning the Jury's activities took place until the Jury reports them publicly.

3. The Grand Jury conducted an investigation into the wrongful handling of traffic tickets for moving violations in the Metropolitan Court. The Jury found that a practice existed where a person, receiving a traffic ticket requiring him to appear in Metro Court, had but to give the ticket and a sum of money to either Juan Mesa or Attorney Meyer Brilliant; Brilliant would then take the ticket to Metropolitan Judge Thomas G. O'Connell. Judge O'Connell would then adjudicate the defendant guilty, assess a fine, and have the ticket appear as a "write-in" on his calendar. The Jury found this practice to be unsavory and directly contrary to the standards promulgated by the American Bar Association. It recommended that further action be taken with respect to the participants.

4. The Grand Jury conducted an investigation into the abuse

of drugs. Because this problem is so wide-spread and is increasing at an alarming rate, we believe each succeeding Grand Jury should maintain an investigation into the problem. The Grand Jury made in its Interim Report of April 8, 1970, specific recommendations with respect to action that needs to be taken. It also commended the outstanding work of Assistant State Attorney Alfonso C. Sepe, Sgt. Allen Richards of the Dade County Public Safety Department, and Dr. Joseph H. Davis, Dade County Medical Examiner.

5. The Grand Jury conducted an investigation into the operations of Dade County Small Claims Court. This investigation disclosed that certain large local finance companies received preferential treatment and found that this preferential treatment resulted from a failure to follow a "blind filing system." It further found that the Senior Judge Sidney Segall had been frequently absent from Court during the consideration of these preferentially-treated finance company cases and had abdicated, to his bailiff, the authority to accept defaults and continue cases. The Jury commended Judge Morton L. Perry for bringing this matter to its attention.

6. The Grand Jury made a thorough investigation into the increasing heavy traffic in filth and indecency which is polluting our community. We found that our present laws were ineffective tools and we made specific recommendations for specific statutes and ordinances. We strongly recommended the establishment of a united community front to fight the widespread circulation of pornography. We respectfully request that future Grand Juries continue to investigate this problem until the specific recommendations of this Grand Jury are implemented.

COMPENSATION OF GRAND JURORS

Serving as a Grand Juror is a satisfying and rewarding experience. However, due to the long hours of labor and the tremendous responsibility of determining whether an individual should be indicted for a serious crime, we feel that the compensation of Grand Jurors now provided by law is woefully inadequate.

Therefore, we recommend that the Florida Legislature enact legislation to provide that County Grand Jurors shall be paid twenty dollars per meeting, which is commensurate with the present compensation of Federal Grand Jurors.

ACKNOWLEDGMENTS

We, the 1969 Fall Term Grand Jury, have had the awesome responsibility of representing the conscience of the community in the areas of law enforcement and justice. As lay citizens, we have gained a greater appreciation for the importance of the steps necessary to protect the rights of the individual and the rights of society essential to our American way of life.

This 1969 Fall Term Grand Jury wants to thank sincerely Judge Francis X. Knuck for his extraordinary and competent assistance in the performance of our responsibilities and duties. We have indeed been fortunate in having his services.

The advice of State Attorney Richard E. Gerstein has been indispensable and to him and Assistant State Attorneys Joseph Durant, David Goodhart and John B. Orr, Jr., and other members of that office, we extend our sincere appreciation. We were most favorably impressed by their sincerity and ability.

We express to Eleanor M. Robinson as Administrative Assistant our respect for her capable devotion to duty and interest in assisting us.

The Jury was impressed by the competence of all law enforcement officers appearing as witnesses before this Grand Jury. The community can take pride in the work which they are doing.

Sheriff E. Wilson Purdy, Sgt. Allen Richards of the Narcotics Division of the Dade County Public Safety Department, and members of the Sheriff's Internal Security Squad who appeared before us were able and devoted servants. It is a difficult task, and to them and to the following we give our approbation and appreciation:

Judge Jack M. Turner, Criminal Court of Record

Superintendent of Dade County Schools E. L. Whigham

Security Assistant of Dade County Schools John W. Tyler

District Superintendents of Schools David N. Thomas and
James J. Norton

Attorney Dan Paul

Dean Frederick D. Lewis of the University of Miami Law School

Former New York Assistant District Attorney Richard Kuh

Special Assistant State Attorneys George A. Buchmann and
Leonard Rivkind for their help in fighting pornography.

Respectfully submitted,

Joe Hall

Dr. Joe Hall, Foreman
Dade County Grand Jury
Fall Term 1969

Attest: *Dorothy P. Rinehart*
Dorothy P. Rinehart, Assistant Clerk

Dated: May 12, 1970