

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

SPRING TERM A. D. 1972

FINAL REPORT OF THE GRAND JURY

Filed  
November 14, 1972

Circuit Judge Presiding

HAROLD R. VANN

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Bailiff

WALLACE D. CULBERTSON, JR.

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
JOHN C. COADY	First Degree Murder	True Bill
BENJAMIN CARL ROWE and GREGORY WILLIAMS	First Degree Murder	True Bill
NODIE BETTY GRANGER, also known as BETTY JACKSON	First Degree Murder	True Bill
ROBERT BJORNSTAD	First Degree Murder	True Bill
SANDY WILLIAMS	Rape	True Bill
JEROME JEAN FENELON	First Degree Murder	True Bill
GENEVA JONES	First Degree Murder	True Bill
EUGENE ROBINSON	Rape	No True Bill
JOSEPH T. DARDEN	First Degree Murder	True Bill
JEROME WILCOX	Rape	True Bill
DONALD ARTHUR TONEY	First Degree Murder	True Bill
ERNEST CORNELIUS MYLES	First Degree Murder	True Bill
RICHARD ALLEN SPENCER	Rape	No True Bill
MARION CHESS	Rape	True Bill
CURTIS RANDOLPH STEVENS	First Degree Murder	True Bill
ALBERT LEE MADDOX	Rape	No True Bill
VERNON DAVID EDWARDS	First Degree Murder	True Bill
EDDIE MACK WILLIAMS, also known as JESSE TERRY	First Degree Murder	True Bill
ROBERT S. HURWITZ	Conspiracy to Violate Florida Election Code Perjury (Two Counts)	True Bill
LIONEL E. CHASE	Rape	True Bill
LIONEL E. CHASE	Rape	True Bill
LIONEL E. CHASE	Rape	True Bill
GERALD KANCEY	First Degree Murder	True Bill
LEE EDWARD HELLAMS	First Degree Murder	True Bill
JOHN DYKMAN	First Degree Murder	True Bill

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
JAMES MICHAEL RAMSEY	Rape	True Bill
ROSCOE WASHINGTON	First Degree Murder	True Bill
LAWRENCE JOHNSON	Second Degree Murder	True Bill
EARL JUNIOR SMITH	Rape	True Bill
JOHN GREGORY WILLIAMS	Rape	True Bill
KENNETH CLAYBORN TEAL and EDDIE JEROME MILTON	First Degree Murder	True Bill
EDDIE LEE THOMAS	Rape	True Bill
THOMAS CLEMMON FORD	First Degree Murder	True Bill
FRANKIE CLEMENTS	First Degree Murder	True Bill
FREDERICK HUNTER	First Degree Murder	True Bill
HERBERT SILER	First Degree Murder	True Bill
ROBERT MATTHEW BOYD	Rape	True Bill
CONRADO ARROYO	Rape	True Bill
JAMES EUGENE DELON	Rape	True Bill
JAMES EUGENE DELON	Rape	True Bill
JAMES EUGENE DELON	Rape	True Bill
ISIAH MILLS, JR.	Rape	True Bill
MICHAEL ISREAL HUDSON	Rape	True Bill
THOMAS JAMES DAVIS	Rape	No True Bill
ALFRED RUVEL SMITH	First Degree Murder	True Bill
JAMES ARCHIE VEREEN	Rape	True Bill
EDWARD LARRY KERR	First Degree Murder	True Bill
CHARLES WILSON PRIEST	Rape	True Bill
JEANETTE WILLIAMS, also known as JEANETTE MORGAN	First Degree Murder	True Bill
ANDRES JULIO SANTANA	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
JAMES SINKQUEFIELD	First Degree Murder	True Bill
BERT O'NEIL PENDER and JAMES EDWARD MORGAN	Rape	True Bill
JOHN HENRY BROWN	Robbery Unlawful Possession of Firearm While Committing a Felony	True Bill
GURNIE JOHNSON	First Degree Murder	True Bill
JAMES CAREY	Rape	True Bill
DAVID LEE HENRY	Robbery	True Bill
DAVID LEE HENRY	Robbery Robbery Assault with Intent to Commit Murder Unlawful Possession of Firearm While Engaged in Criminal Offense	True Bill
EDMOND WATERTON CALDER	Rape	True Bill
JIMMIE WILSON	First Degree Murder First Degree Murder Robbery	True Bill
JIMMIE WILSON	Rape Robbery Robbery Assault with Intent to Commit Murder in the First Degree Assault with Intent to Commit Murder in the First Degree	True Bill
ERNEST THOMAS	First Degree Murder	True Bill
DAVIS THOMAS	Rape	No True Bill
JESSE CHARLES CHESTER	First Degree Murder	True Bill

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## EVALUATION OF SEED PROGRAM OF DRUG REHABILITATION

A good deal of confusion and anxiety has been created in the minds of the people of Dade County by the fact that certain persons now question aspects of the Art Barker Seed Program of Drug Rehabilitation. In order to put this problem into the proper perspective, the Grand Jury undertook a study of The Seed.

The Seed is a non-residential drug abuse treatment program focusing on the rehabilitation of young(average age 16) poly-drug abusers. It is one of the 93 drug abuse programs licensed by the Department of Health and Rehabilitative Services Drug Abuse Program. It was started approximately two and a half years ago by Art and Shelley Barker. They used as the basic outline for the program the general treatment model developed by Alcoholics Anonymous - however, adding several modifications of their own. Its principles rest squarely on the shoulders of developing, through the counseling and leadership of Mr. Barker and his key staff, love of self, understanding of self, self-respect, total honesty, and finally, true love of others. This spiritual love of child-for-child may be the subtle difference between The Seed program and all the other forms of group therapy, many of which tend to rob the individual of dignity.

### Staff

The counselors, or staff members, are rehabilitated drug offenders. They are successful graduates of The Seed's program. After having gone through the program themselves, they are selected by Mr. Barker as having the necessary skills and motivations. These basically consist of the ability to empathize with others, the strong desire and dedication to help others and themselves, and finally, the ability to become skillful group leaders. Having once been a "druggie"

themselves, they are able to pierce the protective shells of self-deceit that each druggie throws about himself. The Grand Jury does not feel that this detracts from the program at The Seed, for we are not aware of any drug rehabilitation program using professionals that has achieved any degree of success. It should be noted, however, that The Seed does have a special medical advisory board which includes a number of medical doctors and psychiatrists.

#### Seedlings

Applicants accepted by The Seed, the "Seedlings" range in age from nine years to thirty years, with 68% of the clients being 17 years old or less. Statistics are not kept as to race, but there are approximately 53% males and 47% females. When the program first started, most participants came from Broward County, but currently over 500 young people on the program are from Dade County.

Applicants accepted by The Seed are placed on a 12 hour a day regimen for an initial period of 14 days for voluntary admissions, and 30 days for court placements. The daily routine consists of morning, afternoon and evening rap sessions with approximately 500 to 600 participants, conducted by staff members using a microphone. Critics of The Seed say the rap sessions drum points home in brain-washing fashion, taking away a person's individuality. But the quest for love and respect are the same goals that society has always set for its members, often with far less success than at The Seed.

While undergoing this intensive initial phase of the program, members are totally removed from the home environment and live in Foster Homes provided by families having a child in the later phase of the program, or who has completed it. Upon successful completion of the first phase, the "Seedling" is required to attend evening rap



sessions three nights a week and one full day on the week-end. He may have returned to school or job and perhaps to his own home. This decision is made by the staff and is based upon the individual's circumstances.

Clients come to The Seed from a variety of sources. Their own outreach program is the primary source of clients, with most being referred by a Seedling currently in the program, a friend, a sibling, or self-referred with knowledge of the program being obtained from the news media. The next two major referral sources are the courts and the schools. Parents bring some, the Division of Youth Services counselors and the police are other referral sources. One aspect of The Seed that distinguishes it from other drug programs is that it admits even those who do not voluntarily join.

#### Drugs Used

Use of drugs by youth is almost at the point of a virulent epidemic. In the past few years, it has proliferated yeast-like to a concern of major proportions. There are many experts who believe the percentages range from 50 to 70% in high school and middle school, with drug use infiltrating alarmingly into elementary schools.

Most Seedlings have never been arrested, but the data on the type of drugs used reveals a tremendous and frightening population of poly-drug users; that is people who have used more than one drug. These drugs include Marijuana, Mescaline, LSD, barbiturates, amphetamines, glue, cocaine and Heroin. As to the degree of involvement with drugs, as measured by time in months, it ranged from six months or less to in excess of 5 to 8 years. It must be noted here that a small percentage of the people admitted to The Seed were for an attitude problem, and denied using drugs. In order to identify

any variable which might be correlated with drug users as opposed to non-drug users, age, race, sex, religion, broken homes or good homes, poverty or affluence, or city of origin do not appear to have any bearing whatsoever. However, there was virtually total agreement by participants of all in The Seed program that Marijuana should not be legalized.

#### Parents

The Grand Jury was impressed by the degree of involvement, interest and participation on the part of the parents. These same responsible citizens willingly appeared before the Grand Jury with no fear of Social Stigma to report to us their actual experiences within their own families. Thankful for the results in their own lives, they do work which consists of taking other children into their homes - the Foster Parents Plan - preparing food seven nights a week, car pooling those not having transportation, and providing medical and nursing care at no compensation. Parents whose homes have been demoralized and made socially and spiritually destitute because of one or more of their youngsters are on drugs, now have genuine help available. As one proud mother and father of a Seedling stated, "We had tearfully and despairingly watched our child deteriorate from a normal and healthy child into a druggie, and again watched him come alive through the efforts of The Seed program. We would gladly have chanced the possibility they would have come off the program "unwound" because lovingly helping them to again enter the human race is indescribably better than burying them."

#### Funding

Although The Seed operates without staff psychiatrists or psychologists, it has been awarded a grant from the National Institute

of Mental Health, and from the Law Enforcement Assistance Act. Local government in Broward County and church and civic organizations have also contributed. Funding of the program is a continuing and major problem. The cost per child is figured at the incredibly low figure of \$250.00 per child for the whole program. Parents are not asked to pay anything, though contributions are accepted, and grateful parents have donated a multitude of money, time and help.

#### Why It Works

To quote from the report of the Blue Ribbon Committee of the State of Florida Department of Health and Rehabilitative Services: "This program appears to have a great deal to offer young drug users and is utilizing the resources of the community optimally in its effort to help young people. Some outstanding strengths of the program are based on the principle of guided group inter-action and positive peer group pressure. These techniques are used to instill awareness of individual responsibility, direct the individual toward goals, and orient him toward love and "turning on to life."

This same peer group philosophy is what involves most youngsters with drugs in the first place. Peer pressure at The Seed is a kind of reverse twist which has the youngsters helping each other kick the habit instead of starting it.

The atmosphere in which this guided group inter-action and positive peer group pressure takes place is basically made up of absolute honesty, affection, empathy and, for lack of a better word, love. Affection for others is a powerful tool in the hands of the skilled staff. Love is the byword of The Seed, exchanged eye-to-eye between the kids, the staff and the parents.

The ingredients Art Barker has blended to offer those addicted to drugs and hope of return to normal living produce results.

The program has been criticized and there are disputes as to the percentage of successful graduates. Statistics are always subject to manipulation, but we have seen the results. We have heard from grateful children and parents. The Seed has succeeded in situations where other programs have failed.

#### RECOMMENDATIONS

1. We recommend that the Art Barker Seed program be expanded to Dade County and throughout the State of Florida.
2. We recommend that Federal, State and local governments fund the program.
3. We recommend that school systems should not be financially penalized by the absence of Seed enrollees from daily attendance in the schools.
4. We urge participation and cooperation in The Seed program by medical associations throughout the State of Florida.

Obviously, the fight against drug abuse should be carried on at three levels - education, enforcement and rehabilitation. In the area of enforcement, any thinking person favors the most stringent prison terms for drug pushers. We look with favor upon a mandatory commitment program for those addicted to drug usage. It must be kept in mind that opium is a plant not grown in the United States. Therefore, heroin and other derivatives of opium are imported from foreign nations. We strongly support Federal legislation which will cut off foreign aid to those countries who continue to grow poppy crops from which opium is derived.

### CONFLICT OF INTEREST

In our Interim Report of August 24, 1972, concerning the repeal of a clear packaging ordinance by the Dade County Metro Commission, we found that certain commissioners could not or would not differentiate between the public's interests and that of private business concerns. Unfortunately, the conflicts of interest revealed by that investigation did not fall within the purview of any conflict of interest laws. This vacuum in the law must be filled.

In this regard, we have received a copy of a proposed Conflict of Interest Ordinance to be submitted to the Dade County Metro Commission and we find it has considerable merit. We are particularly in favor of that section which prohibits certain public officials and employees from recommending the services of any lawyer or law firm, architect or architectural firm, public relations firms, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies. Such a provision would clearly prohibit what was done by two commissioners in the "clear packaging" affair.

The ordinance in question is most comprehensive and we strongly recommend its enactment. However, there are two sections which we cannot endorse. We believe that the ordinance places too severe restrictions on advisory personnel such as members of advisory boards and agencies. It is already very difficult to find qualified persons to serve on such boards.

We also believe that the section placing restrictions on certain employees for two years after their employment has been terminated should be deleted. We question the validity and its reasonableness.

With these two deletions, we believe that the enactment of this new Conflict of Interest Ordinance would prevent a recurrence of the "clear packaging" fiasco.

## THE DADE COUNTY SCHOOL SYSTEM

An in-depth study of the entire operation of our school system was not possible in the six months comprising the term of this Grand Jury. We therefore focused our attention on special areas - areas where thousands of taxpayers' dollars could be saved and areas involving the welfare and achievement of the pupils. During this investigation, we took testimony from the Superintendent of Schools, administrative personnel, architects, and former members of the Dade County School Board. Our findings and recommendations are as follows:

### 1. Preparation of the School Budget

Under our present system, the Superintendent of Schools must state, in writing, his intention of maintaining a certain size of staff in mid-April and mid-May of each year. However, the Superintendent does not receive an estimate of the actual or true revenue to be collected by the Tax Collector's Office until July of each year. Since salaries represent approximately 87% of the total budget, this means that financial planning for the major portion of a school budget can only be based upon mythical revenue forecasts.

In order to alleviate this problem, and to enable the Superintendent to operate under a more realistic budget - which would undoubtedly result in the savings of thousands of dollars - we recommend that Section 237.08, Florida Statutes, be amended to provide that on or before the first Monday of April, the Assessor of each county shall certify to the Superintendent his estimate of the total valuation reasonably to be expected by him to be assessed on the current year's tax roll.

We also recommend that Section 237.07, Florida Statutes be

amended to provide that on or before April first of each year, the Department of Education shall certify to each superintendent the estimated number of instruction units upon which the state funds shall be allotted in his district during the next year.

2. Purchasing of School Sites

It has come to the attention of the Grand Jury that proposed school sites required to serve future population needs, which have been approved by the Large Scale Development Committee and reserved on approved plats, have become prohibitive in cost due to the spiraling land values which occur in the interval between site approval and the time when funds are available for site acquisition.

Therefore, in order to offset spiraling land costs and to enable the Board of Public Instruction to adequately prepare for future planning, we recommend that at the time plats for proposed development are submitted for school site approval by the Large Scale Development Committee, the School Board be given an option to purchase school sites at the base land value as of that particular date. This base value shall remain static until such time as the option to purchase is exercised or abandoned.

We realize that this proposal will probably require legislation, and we recommend that the Dade County Legislative Delegation address itself to legislation necessary to effectuate our recommendation at the next regular session of the Florida Legislature. In doing so, they will save the taxpayer literally millions of dollars.

3. Construction of New Facilities

For the future construction of schools, we recommend a full standardization of all components of auxiliary or replacement equipment, such as hardware, doors, windows, electrical and plumbing

fixtures, rugs, etc. The present system of having different components in different schools results in a clearly avoidable waste of money.

In this regard, we also recommend a more equitable distribution or allocation of state funds to Dade County because the land acquisition costs and construction costs are much higher here than in rural counties. These funds should not be based on cost per pupil as this formula creates an inherent inequity for those living in urban areas.

#### 4. Featherbedding

We believe there exists in the public school system a practice of promoting instructional personnel who can no longer cope with classroom pressure to administrative positions at higher salaries. This creation of jobs is nothing more or less than "featherbedding," and constitutes an additional burden on the taxpayer. We recommend that the School Board conduct a thorough investigation into this practice, and if it does in fact exist, immediate steps be taken to end it.

#### 5. Industrial Arts

Social pressures in today's society are forcing many young people to go to college when they are not mentally or intellectually equipped or inclined to do so. The theory that every child should have a college education is not only unrealistic, it is grossly unfair. We therefore recommend that facilities and the opportunity for industrial arts training be expanded in our public schools.

We also recommend that the State Legislature make funds available to enable students to pursue an industrial arts education, particularly those students who show the interest and capability to do so. This



will enable those students, upon graduation from high school, to pursue a respectable vocation and thus become responsible citizens in our community.

6. Academic Achievement

We have been unable to determine from the testimony we have taken the level of academic achievement attained in our public school system; that is to say, what percentage of our graduating students are intellectually qualified to attend state and out of state institutions of higher learning. This Grand Jury strongly recommends that the School Board and the County Commission conduct a study to determine what percentage of our students qualify for a college education, public or private, and how Dade County compares nationally to other communities of the same cosmopolitan characteristics.

7. Discipline and Drug Abuse

This Grand Jury is disturbed over the lack of discipline among many students in our public schools. We believe the basic cause of this problem can be traced directly to the permissive parent. It has long been established that a child not only needs but actually seeks discipline. Without it, he may well become emotionally disturbed and may never grow into a mature, responsible adult. We realize, of course, that we cannot force any parent to abandon the philosophy of permissiveness. However, we can and do urge every parent in this community to re-evaluate the need for discipline and, if necessary, to change their life style for the benefit of their children.

We are also alarmed at the rise in drug abuse in our public schools. One of the most disturbing facts is that some of our

principals and other administrative officials seem to be ignoring this serious problem. They emulate the ostrich by sticking their heads in the sand ostensibly to avoid seeing the "grass." This cannot be condoned. To correct the situation, we recommend the following:

- (a) Teachers must exercise their lawful authority to discipline unruly students.
- (b) Principals and administrative personnel should give greater support to teachers in problems of discipline and drug abuse.
- (c) Students possessing or using drugs should be severely disciplined and, if necessary, expelled.

DISCIPLINARY ACTION BY THE FLORIDA BAR ASSOCIATION

On March 24, 1970, the Fall Term 1969 Dade County Grand Jury filed an Interim Report criticizing the "highly improper" handling of traffic tickets in the Metropolitan Court of Dade County. One of the subjects of that investigation was Meyer Brilliant, an attorney, licensed to practice law in the State of Florida. In its report, the Grand Jury specifically recommended that the Florida Bar conduct an investigation into the conduct of Meyer Brilliant in the matter.

It has come to our attention that the Florida Bar's investigation of this matter has apparently never been concluded. This seems inconceivable in view of the fact that more than two years have elapsed since the Interim Report was filed.

Such delay on the part of the Florida Bar cannot be condoned. The quality of justice in the courts of this State relies to a great extent on the calibre and integrity of the privileged few who are licensed to practice in those courts. Law will cease to be a noble profession if the code of legal ethics is not strictly adhered to and rigidly enforced. We therefore call upon the Florida Bar, when it receives a complaint against one of its members, to act with fairness and with dispatch. Any unreasonable delays in taking action can only result in a lessening of public confidence in the legal profession.

## ELECTION LAWS

During the recent elections, several alleged violations of the election laws were called to our attention. One of these allegations involved the offer of a bribe to influence a candidate to withdraw from an election. Another allegation involved a candidate who openly admitted that he knowingly caused to be distributed a false endorsement of his candidacy by a particular organization. While the Grand Jury finds both of these incidents inherently and morally wrong, they are not a violation of existing laws. We, therefore, recommend that the Florida Legislature enact laws to prohibit the following:

1. No person shall offer money or anything of value to a candidate or a prospective candidate for public office with intent to influence a candidate to withdraw his candidacy or with intent to influence a prospective candidate not to qualify for a public office.
2. No person shall distribute or cause to be distributed on behalf of any candidate for public office any false or counterfeit endorsement of the candidate by any person or organization.
3. The First Amendment makes it virtually impossible to prohibit endorsements by persons or groups desiring to do so. Unfortunately, the endorsement of political candidates in Dade County, by some organizations, has become a farce and a shakedown. Too often the endorsements represent the position of one or two persons. The organizations exist only on paper and have no membership or legitimate purpose.

We recommend that the Florida Legislature enact legislation

which would require any organization publicly endorsing candidates to include in the endorsement advertisement or in any printed matter publishing the endorsement, the following information:

- (a) The date the organization was founded and whether it is incorporated or chartered.
- (b) The names of the officers and directors.
- (c) The names of the persons who voted upon the endorsements.
- (d) The number of dues paying members as of the first of January preceding the endorsement.
- (d) The amount of money paid by candidates receiving the endorsement.

Before closing our report on this subject, we are constrained to state that during our term several candidates for public office attempted to use this Grand Jury to further their own political careers by lodging unfounded charges against their political opponents. This was reprehensible, and unfortunately, such attempts will undoubtedly occur in elections to come. We therefore recommend to future Grand Juries that they screen complaints brought by one candidate against another very carefully and not permit themselves to be used in the waging of political vendettas or as campaign instruments.

### PRIVATE INVESTIGATIVE AGENCIES

This Grand Jury conducted an investigation into the qualifications of security guards hired by private investigative agencies and the extent of training and the use of firearms by security guards.

During the course of our investigation, we took testimony from officials of five different security agencies. Based on that testimony, it was our finding that there exists considerable laxity by the security agencies in the employing of security guards and training them in the use of firearms.

In view of the fact that Chapter 493 of the Florida Statutes empowers the Department of State of the State of Florida to regulate the operation of private investigative agencies, we recommend:

1. That the Department of State should enact a regulation requiring a private investigation agency to thoroughly screen applicants for security guard positions with special emphasis on whether or not an applicant has a criminal record or consorts with known criminals. In this regard, we recommend that the Department of State consider the feasibility of requiring applicants for security guard positions to take polygraph and physical examinations as a condition of employment.
2. The Department of State should promulgate a regulation requiring all applicants for security guard positions to receive training in the use of firearms equivalent to that given to a police officer. We further suggest that this training in firearms be conducted by the local police department.
3. We recommend that the Florida Legislature enact a law requiring security guards to be licensed to carry firearms and upon termination of employment, the license shall be surrendered to the issuing agency.

THE VICTIM OF CRIME - THE FORGOTTEN MAN

The past fifteen years have seen the rights and protection afforded to defendants in criminal cases greatly enlarged.

The State now provides counsel for indigents charged with crime, defense counsel at line-ups, access to physical evidence, the right to depose state witnesses - all designed to guarantee the defendant a fair trial and to insure that his rights are protected.

The forgotten man in the criminal justice system is the victim. He is frequently badgered by defense counsel, interrogated four or five times prior to trial. The slightest deviation in his testimony is seized upon as a basis to impugn his veracity. He is subject to countless delays and court appearances. The inconvenience to him and loss of income or wages is sloughed off as part of the system and beyond anyone's control.

Worst of all, the victim has no redress for his loss of property or compensation for personal injury inflicted by the defendant. No matter how serious the injury or how great the loss incurred at the hand of the defendant, our laws do nothing to compensate the victim.

State Attorney Richard E. Gerstein and Public Defender Phillip Hubbard have proposed legislation which would compensate the victims of crime. We urge the Florida Legislature to act favorably on this problem.

### PERJURY BEFORE THE GRAND JURY

During our term of office we were appalled by several witnesses, including certain public officials, who appeared before the Grand Jury and, after being sworn to tell the truth, lied or deliberately covered up the truth. In only one instance were we able to return an indictment for perjury because of the legal requirement that there be two witnesses to prove the lie. However, as a caveat to witnesses before future Grand Juries, we would point out that on October 1, 1972, a new statute defining perjury became effective in the State of Florida. This statute eases the requirements on the prosecutor to prove the crime of perjury.

We were particularly discouraged by the untruthful testimony of certain public officials in the clear packaging investigation. It's a well accepted adage that a public office is a public trust. Certainly, this public trust carries with it a moral duty to tell the whole truth when testifying before the Grand Jury about the conduct of official duties. Anything less renders one unworthy to hold public office.



THE JIMMY LEE WILSON CASE

On June 11, 1964, Jimmy Lee Wilson was convicted of rape and sentenced to death. His conviction was affirmed by the Supreme Court of Florida.

After spending seven years in the State Penitentiary, Wilson sought relief from the Federal Courts in a petition for habeas corpus wherein he alleged that he had been prejudiced at the time of trial by the automatic exclusion from the jury of prospective jurors categorically opposed to the death sentence. The Federal Court granted Wilson a new trial. By this time, however, both rape victims and their husbands were adamant against testifying further or facing the traumatic experience of another trial. The State was, therefore, obliged to accept a guilty plea with the understanding that Wilson would be resentenced to 15 years in the State Penitentiary with credit for time already served. This was done on December 6, 1971.

Wilson was returned to Raiford with approximately eight years to serve. However, in May of this year, only six months later, Wilson was granted a parole. In October of this year, this Grand Jury indicted Wilson for rape, two charges of first degree murder, robbery, and two charges of assault with intent to commit murder. All of these crimes were perpetrated while Wilson was on parole.

The travesty of justice in the Jimmy Lee Wilson case points out the need for corrective legislation. We recommend that the Florida Legislature enact stricter laws governing the right to parole and reinstate the death penalty for the more heinous crimes. We also recommend a law requiring Judges to impose a minimum mandatory sentence of 20 years for a conviction of robbery where committed with the use of a deadly weapon.

TAXI ABUSES AT THE AIRPORT

The Dade County Grand Jury looked into the matter of complaints against the Yellow Cab Company whose parent organization, The Red Top Cab and Baggage Company, holds the taxicab franchise agreement with the Dade County Port Authority.

Based upon the investigation, we find there have been violations of the franchise agreement, particularly in regard to the acceptance of all passengers for transportation, regardless of whether it is a so-called "long haul" or "short haul" trip.

The franchise agreement requires that the holder shall maintain efficient and courteous service to the public. Under sub-paragraph (D), the agreement further provides that "the franchise holder further agrees to cause all drivers accepting fares under this franchise to be instructed that they are to accept any and all passengers desiring the services of the franchise holder, regardless of short or long haul destinations by the nearest acceptable route to such points as franchise holder is authorized to operate by permit."

Without delving into the individual complaints, the evidence indicates clear cut violations of the aforementioned franchise agreement. There appears to be no clear-cut chain of command for processing complaints by the riding public primarily because the passengers with a valid complaint do not have knowledge of the proper method of complaining or even the means and information required to make a complaint.

It appears necessary, therefore, to provide a means of not only coordinating the complaints received, but also to establish a method and procedure under which complaints would be processed as received.

The Grand Jury proposes that the Dade County Commission pass an ordinance which clearly delineates the chain of command and responsibility from the Dade County Port Authority (Dade County Commission) to the franchisee. The recommended ordinance should also contain the following provisions:

1. Passengers shall be notified by a prominently displayed and permanently encased notice, in each cab, as to the responsibility of the cab driver, and to whom complaints may be made.
2. In the event the Port Authority Director receives a complaint of a serious nature, or numerous complaints concerning a franchise holder or a taxicab operating under a franchise, the Director shall require the franchise holder to discharge the offending cab driver and he may, in his judgment, recommend to the Dade County Port Authority revocation of the franchise.

We believe that this ordinance would clearly place responsibility where it should be and at the same time enable the taxi riding public to have their complaints properly processed. We so recommend.

In conclusion, we recommend that corrective measures be instituted immediately by the passage of the recommended ordinance and implementation of the plan therein.

AMENDMENT TO THE SOUTH FLORIDA BUILDING CODE

Upon reviewing the proposed Chapter 51 to the South Florida Building Code entitled "Intrusion and Burglary Security Section" we believe the standards as set forth in this section would benefit the community. We affirm that this or a similar regulation could go a long way in reducing the burglary rate in South Florida.

We therefore recommend this proposal to the Dade County Commission for further study.

ABOLITION OF SUPERSEDEAS BONDS

On May 29, 1972, one Ernest Nelson was brought before a Federal Judge for a determination of whether his supersedeas bond should be raised from \$75,000 to \$150,000. The motion to increase the bond was denied, and Nelson was freed pending his appeal.

Nelson had been convicted of selling heroin and had been sentenced to seventeen years in prison.

This Grand Jury understands that anyone accused of a crime has an absolute right to be released on bail, unless he is charged with a crime punishable by life imprisonment. However, once a man is convicted, the presumption of innocence with which he was clothed prior to the trial vanishes and he should no longer be entitled to be free on bail, particularly where he has a prior felony conviction.

We therefore recommend that the Florida Legislature enact a law providing that where an accused who has a prior felony conviction is convicted of committing a second felony involving a crime of violence or involving the sale or distribution of hard drugs, he shall not be entitled to be released on bail pending an appeal from his second conviction.

We also recommend that upon a third conviction for the sale of hard drugs, the defendant shall be given a mandatory sentence of life imprisonment without eligibility for parole.

CONVENTION SECURITY

On August 1, 1972, the Grand Jury filed an Interim Report from which we made the following statements concerning security at the 1972 National Democratic Convention.

The facts revealed by our investigation are that a minimum of violations occurred; that law enforcement was outstanding and that regardless of what might have been alleged, the convention was a thorough success.

We believe this community owes a debt of gratitude to the City of Miami Beach, the local law enforcement agencies, and to all those citizens, including non-delegates, for their mutual cooperation in creating an atmosphere conducive to peaceful demonstrations.

We are pleased to report at this time that our recommendations were followed and once again at the Republican Convention, law enforcement was excellent, and although it was necessary for a considerable number of arrests to be made, the police acted with restraint and full regard for the safety of the delegates and the citizens of the community.

We again commend all the law enforcement agencies involved.

POLICE PROTECTION FOR MOBILE HOME DWELLERS

It has become apparent to this Grand Jury that the number of crimes being committed against residents of mobile homes in Dade County are increasing at an alarming rate. This is most disturbing in view of the fact that many of these residents are elderly people and can ill-afford the loss.

We therefore strongly recommend to all the police agencies in Dade County that they make a concerted effort to offer greater police protection to mobile home residents. We recognize the problems presented by a shortage of personnel, but we feel that this problem must be given serious consideration by our police agencies.

NEED FOR MORE ADEQUATE GRAND JURY QUARTERS

While the main Grand Jury chamber presently in use for the Grand Jury's deliberations is quite adequate, there is a need for better auxiliary rooms for holding and preparing witnesses. There is not enough privacy for these functions when the agenda is full.

Also, the recurrent problem of unauthorized information being obtained from the Grand Jury chambers is still with us. In the main this is probably brought about by the inadequacy of the total facilities.

Also, a method should be devised to keep secret the identity of those appearing before the Grand Jury in order to avoid misleading and often damaging speculations.

ACKNOWLEDGMENTS

JUDGE HAROLD R. VANN

Judge Vann has been an exceedingly cooperative and helpful person. He has given of his time unstintingly whenever requested, and on several occasions at considerable sacrifice of personal convenience. His Charge to us, as we embarked on our duties, was precise and consistent. We learned to greatly respect his candor and forthrightness as a most distinguished Jurist.

E. B. LEATHERMAN - CLERK OF THE CIRCUIT COURT

Mr. Leatherman's decades of dedicated service to the courts are perhaps legendary in his own time. Choosing to step down at the conclusion of this term of office, he will be greatly missed, and will leave behind some very large shoes to fill.

RICHARD E. GERSTEIN, STATE ATTORNEY

Mr. Gerstein is the personification of what good leadership can accomplish. Though a demanding task master, he expects no more from others than he consistently gives of himself. His leadership is reflected in the calibre of those Assistant State Attorneys with whom we came into contact. He is unrelenting in his pursuit of justice both to the State and to the accused. Dade County is most fortunate to have him as Chief Prosecutor.

N. JOSEPH DURANT, ASSISTANT STATE ATTORNEY

To Mr. Durant must go the accolade of the most valuable assistant to the Grand Jury. It is difficult to describe to one outside of the Grand Jury, just how dedicated Mr. Durant is to his profession. Generally regarded as the leading authority in the State Attorney's

Office, as to the interpretation and the application of the law, yet he maintains a quiet and unassuming stance, as ever available assistant and advisor to the Grand Jury. Even when not feeling up to par, his devotion to duty demanded that he be in his office or in the Grand Jury chambers when needed. We, the members of the Grand Jury, will always rest easier as long as we know that Joe Durant is counsel to the Grand Juries of the future.

DAVID GOODHART, ASSISTANT STATE ATTORNEY

The man who Dade County has just elected to become a new Circuit Court Judge impressed us all as a most effective prosecutor. His incisive mind is quick to get down to basics and he very ably handled all matters in his domain before the Grand Jury. He will be a valuable addition to the Bench in Dade County.

EDWARD CARHART, SPECIAL ASSISTANT STATE ATTORNEY

Mr. Carhart was given a special assignment requiring a particularly keen knowledge of the law and skillful interrogation. He fulfilled this mission with earnest zeal and great finesse. The Grand Jury is highly appreciative of his making himself available for this assignment.

ELEANOR M. ROBINSON, ADMINISTRATIVE ASSISTANT

There is nothing that could be said about the high order of efficiency displayed by Miss Robinson that has not been said by previous Grand Juries over the past twenty years. To say that she is indispensable to the smooth functioning of this Grand Jury would be a gross understatement of her value to the Grand Jury system and to the community. For much more than that is embraced in her



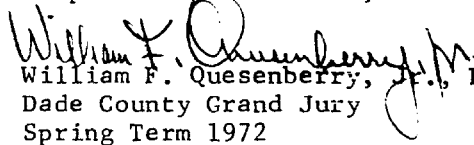
relationship to the Grand Jury. It comes first, last and always in her loyalty. It is as though it were her whole life. She has endeared herself to us all in her great patience and kindness in doing so much more than the call of duty, in making our jobs both easier and more pleasant. We shall be eternally grateful to her for all of these things.


WALLACE D. CULBERTSON, JR., BAILIFF

Mr. Culbertson has been a most accommodating and courteous person who has performed his duties with great dispatch and thoroughness at all times.

And finally, the Grand Jury would like to pay tribute to the offices of Sheriff E. Wilson Purdy, Chief Bernard Garmire, Chief Rocky Pomerance and the vast majority of law enforcement officers in the county. Those officers with whom we have dealt have presented a uniformly high calibre appearance to the Grand Jury and they and their superiors are to be commended for their relentless battle against the crime in our community. Our police forces can never prevent crime. They can only seek to bring to justice those who perpetrate it. We believe the preponderance of our law enforcement officers are diligently working toward that end.

Respectfully submitted,

  
William F. Quesenberry, Jr., Foreman  
Dade County Grand Jury  
Spring Term 1972

Attest:   
Yvonne I. Arch, Clerk

Dated: November 14, 1972