

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

SPRING TERM A. D. 1974

FINAL REPORT OF THE GRAND JURY

Filed

November 12, 1974

Circuit Judge Presiding

HAROLD R. VANN

Officers and Members of the Grand Jury

ANN S. STOVER, Forewoman

R. BELVIN COOPER, Vice Foreman

EDWARD C. GREENOP, Clerk

PHILIP MOORE, Assistant Clerk

TED PALANT, Treasurer

JULIA A. BAXLEY

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BETSY S. THOMPSON

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GLORIA M. VENDETTI

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Clerk of the Circuit Court

RICHARD P. BRINKER

Administrative Assistant

ELEANOR M. ROBINSON

Official Court Reporters

FRIEDMAN & LOMBARDI

Bailiff

WALLACE D. CULBERTSON, JR.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
ALVIN JOHNNIE SIMMONS	First Degree Murder	True Bill
RAYMOND McCLUSTER	First Degree Murder	True Bill
JACK C. EDWARDS and CHARLES PALMER	First Degree Murder	True Bill
CLINTON WALTER WILCOX	First Degree Murder	No True Bill
EUGENE CONEY and TYRONE KEITH THOMAS	First Degree Murder	True Bill
WILLIAM HENRY FREEMAN	First Degree Murder	True Bill
JOSEPH FRANCIS LAMARCA	First Degree Murder	True Bill
ELNORA CARTER	First Degree Murder	True Bill
GUILLERMO GUERRERO and HIPOLITO LAZARO VISUNA	First Degree Murder	True Bill
SAM SMITH, JR.	First Degree Murder	True Bill
JOHN MACK OWENS	First Degree Murder	True Bill
JOHN MACK OWENS	First Degree Murder	True Bill
JAMES LEE INGRAHAM	First Degree Murder	True Bill
JAMES ALVIN GRANT	First Degree Murder	True Bill
CHARLES HUBERT COLEBROOK	First Degree Murder	True Bill
BERNARD JAMES BROWN	First Degree Murder	True Bill
THEODORE HUDSON	First Degree Murder	True Bill
PEDRO ALEXANDER BENJAMIN ALEXANDER and STACY L. THOMAS	First Degree Murder	True Bill
ROBERTO SUAREZ	First Degree Murder	True Bill
TIMOTHY DANIEL CUNNINGHAM	First Degree Murder	True Bill
FELIX MELIEN JORGE V. DIAZ and ORLANDO HERNANDEZ	First Degree Murder Robbery	True Bill
THOMAS WILLIAM REAU	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
JOHNNIE LEE MERRITT and BERNARD KING	First Degree Murder	True Bill
ARTHUR SIMMONS	First Degree Murder	True Bill
JOHN HUDGINS	First Degree Murder	True Bill
THOMAS KNIGHT	First Degree Murder	True Bill
DAVID LEON WINKLER	Rape	True Bill
RONALD SAUNDERS	First Degree Murder Assault with Intent to Commit Murder in the First Degree	True Bill
RONALD JACKSON and WILLIE WATTS	First Degree Murder Manslaughter Robbery Robbery Assault with Intent to Commit Murder Robbery	True Bill
ARCHIE LEROY CURTIS and BERNARD BALLARD	First Degree Murder Robbery	True Bill
FELICIA OJITO	First Degree Murder	True Bill
GLENN B. SHADE	First Degree Murder	True Bill
DARCHEEMA HILLS	First Degree Murder	True Bill
HERMAN WATSON	First Degree Murder Assault with Intent to Commit Murder in the First Degree Assault with Intent to Commit Murder in the First Degree	True Bill
BOBBY FRANK WEATHERS	First Degree Murder	True Bill
AMIDI ZUBERI and NASER ARAP	First Degree Murder	True Bill
ROOSEVELT BREEDLOVE, JR.	First Degree Murder	True Bill
WILLIE JAMES JERNIGAN	First Degree Murder	True Bill
JAMES ROLLE, JR.	First Degree Murder	True Bill
GLENWOOD HAROLD WINTERS	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
GAYLE SAVARESE STEPHANIE SCHLESSER CHERYL GODIN and SIDNEY SCHLESSER	I Non-member of Charity Participating in Conduct of Bingo Game ("A" Defendant)	
	II Non-member of Charity Participating in Conduct of Bingo Game ("B" Defendant)	
	III Non-member of Charity Participating in Conduct of Bingo Game ("C" Defendant)	
	IV Non-member of Charity Participating in Conduct of Bingo Game ("D" Defendant)	
	V Illegal Compensation for Operation of Bingo Game ("B" Defendant)	True Bill
RAY CARROLL DOLORES SAVARESE LILYAN SCHLESSER ALAN SAVARESE GINA MANKOFF PAUL LAND and RALPH AGUIRE	I Keeping a Gambling House ("A", "B" and "C" Defendants)	
	II Conspiracy to Keep a Gambling House ("A", "B" and "C" Defendants)	
	III Non-member of Charity Participating in Conduct of Bingo Game ("A", "B", "D" and "E" Defendants)	
	IV Non-member of Charity Participating in Conduct of Bingo Game ("A", "C" and "G" Defendants)	
	V Non-member of Charity Participating in Conduct of Bingo Game ("F" Defendant)	
	VI Paying Unlawful Bingo Jackpot or Prize ("A" Defendant)	
	VII Paying Unlawful Bingo Jackpot or Prize ("B" Defendant)	
	VIII Paying Unlawful Bingo Jackpot or Prize ("C" Defendant)	
	IX Paying Unlawful Bingo Jackpot or Prize ("F" Defendant)	
	X Illegal Compensation for Operation of Bingo Game ("A" Defendant)	
	XI Illegal Compensation for Operation of Bingo Game ("B" Defendant)	
	XII Holding Bingo Games on Property Not Qualified Under 849.093, Florida Statutes ("A", "B" and "C" Defendants)	
	XIII Conducting a Lottery ("A" Defendant)	
	XIV Conducting a Lottery ("E" Defendant)	
	XV Conducting a Lottery ("D" Defendant)	
	XVI Conducting a Lottery ("F" Defendant)	
	XVII Conducting a Lottery ("G" Defendant)	
	XVIII Possession of Gambling Devices ("A" and "C" Defendants)	True Bill

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
EDWARD ALAN OTIS BELL	First Degree Murder	True Bill
ANTHONY MARSHALL	First Degree Murder	True Bill
BERTRAM McCRAY	First Degree Murder	True Bill
JOHN VINCENT SYLVIA	First Degree Murder	True Bill
ALEXANDER EDWARD CALDERON	First Degree Murder	True Bill
LEO HARRY LAWLER	First Degree Murder	True Bill
HENRY JAMES MOORE	First Degree Murder	True Bill
JOHN ROBERT MILLER	First Degree Murder	True Bill
WILLIAM H. MYLES	First Degree Murder	True Bill
RICHARD RAMOS	Breaking and Entering Dwelling and Unlawfully Assaulting Person Therein Rape	True Bill
MICHAEL JOHN SHOCKEY and		
BRUCE MICHAEL KIRSCH	First Degree Murder	True Bill
RICHARD ALBERT RATTRAY	First Degree Murder	True Bill
WILLIE PEARL JAMES	First Degree Murder	True Bill
ROBERTO RODRIGUEZ DOMEQ	First Degree Murder	True Bill
TIMOTHY STREETER, LONNIE MALCOLM and SAMUEL O'BRIEN GLOVER	First Degree Murder	True Bill
PAUL GONZALEZ	First Degree Murder Assault with Intent to Commit Murder in the First Degree	True Bill

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TO THE HONORABLE HAROLD R. VANN, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

As a final act of the 1974 Spring Term Grand Jury, this report is submitted:

This Jury has worked diligently to cover all the duties of a Grand Jury during its term of office. We have replied to all requests from citizens and agencies, either referring them to more appropriate agencies to handle their problems, or by disposition of their problems through Jury action. All correspondence has been answered.

The Jury has heard a large number of Capital Cases up to October 25 (51). These have consumed much of the time in our sessions as we have been extremely conscientious in our deliberations and decision upon each case.

Many hours were spent in the discussion of matters needing investigation in Dade County. Our search for and discussion of problems in Dade County led us to believe that the three investigations included in this report would, at this time, best serve our community.

It is with regret that we give up these jury duties, but recognize that a great part of the value in a Grand Jury system lies in the limit of time for each Grand Jury and the injection of new personnel every six months.

BINGO

It is the intention of this Grand Jury to inform the people of Dade County of the extent of illegal gambling taking place under the guise of bingo for charity. As a direct consequence of these activities, large quantities of money are skimmed by those individuals who have successfully taken advantage of the abbreviated Florida law. The public is being duped and is not aware of the scope of these activities.

The Grand Jury thus recommends the immediate strengthening of this law by the Florida Legislature, and urges consideration of the following points when so doing:

1. It is our recommendation that a Bingo Commission be created for the purposes of licensing Bingo operations, and supervising all aspects of said operations.
2. The law should provide for rigid regulation in order to prevent charitable Bingo from falling prey to professional gambling, and the possibility of participation by the criminal element.
3. The law should insure that all legal profits from gaming should be received solely by the deserving charity with all prize monies accounted for and declared.
4. The penalties for the breaking of such a law should be commensurate with the degree of the violation, and the more serious violation should be a felony, not merely a misdemeanor as it is at present.

The Grand Jury has used as a partial guide New York State Law 475 which we have found to be a comprehensive law dealing with all aspects of Bingo activities.

The present Florida law pertaining to Bingo operations does not provide for licensing, the charge of a felony for serious violation

of the law, and it does not guarantee that the charity and the charity alone benefits from the Bingo games operating under its sponsorship.

Jointly with our recommendations to the Florida Legislature, the Dade County Grand Jury recommends that a Dade County ordinance be passed concerning the regulating of Bingo. The Public Safety Department, in cooperation with the State Attorney's Office, has proposed an "Ordinance providing for licensing of Bingo operator and lessors - providing for information to be kept by operator; providing for the posting of information on premises during games; providing for exemptions." Such a proposal for an ordinance has the full approval and sanction of this Grand Jury and we urge the County Commission to adopt it.

We wish to warn the people of Dade County that Bingo activities have reached alarming proportions, that charities are being defrauded, and that Bingo is not merely a harmless game, but is worthy of serious consideration. Other states, such as New York, have discovered that lackadaisical regard for the problem can and does result in the public being cheated out of millions of dollars, and that those people profiting from Bingo very often involve a criminal element.

Finally, we cannot urge too strongly that the charities of Dade County not allow themselves to fall prey to those who would abuse the Bingo laws for profit. For any law or ordinance to work, for any community problem to be solved, it is imperative that the people cooperate with the law enforcement agencies, and not become a party to the very menace which they are trying to combat.

In keeping with our intention to help rid the county of Bingo profiteering, we have handed down two indictments, charging those persons named with keeping a gambling house, conducting a lottery, paying unlawful Bingo prizes, giving illegal compensation for operating a Bingo hall, and participating illegally in a Bingo game.

CRIMINAL JUSTICE SYSTEM

The 1974 Spring Term Grand Jury undertook a comprehensive study of the Criminal Justice System due to the substantial increase in the crime rate, and because the people of Dade County have cried for law and order.

The 1973 Spring Term Grand Jury in its report said:

"The entire criminal justice system is fragmented and inefficient. There appears to be little coordination between prosecutors, probation officers and court personnel. None of these groups seem to coordinate their efforts to achieve the ultimate goal of the system which is to prevent crime. None of the groups seems to understand the problems or duties of the other."

The 1974 Spring Term Grand Jury finds that this lack of cooperation still exists to a degree and the need for cohesiveness is even more urgent today and calls for immediate action.

Upon investigating this problem, the Grand Jury found that there was a need to make recommendations in each segment, as well as recommendations for greater cooperation within the whole system.

POLICE

We commend the Public Safety Department for its initiation of attempts to improve the processing in the service of subpoenas in criminal cases and we urge continued efforts toward further improvement.

We recommend that all police departments should have uniform hours and we recommend that the Miami Police Department re-evaluate their four day, 40 hour system. This would result in better operation of the Magistrates' Court and save the cost of overtime pay to the taxpayers of Miami.

We recommend in-service training for police for court appearances and for the preparation for filing cases with the State Attorney's Office.

We recommend the use of civilian help in various positions where uniformed police are not necessary as evidenced by the use of civilians in the Miami and Hialeah Police Departments. This would release uniformed police for more work in the field.

MAGISTRATE COURT DIVISION

We commend the Magistrate Court for their handling of bond and preliminary hearings within the 48 and 96 hour limits.

We recommend that the Judges of the Magistrate Court be more circumspect in setting bonds by carefully reviewing the accused person's prior record, if any.

STATE ATTORNEY'S OFFICE

As of October 17, 1974, there were 75 attorneys in the State Attorney's Office. 105 attorneys would be a more adequate number. We, therefore, recommend that the Legislature increase the budget for the State Attorney's Office for an adequate legal staff.

We recommend continuance of the in-service training program in the State Attorney's Office.

We recommend salary increases for the attorneys in the State Attorney's Office to bring them in line with salaries of attorneys in other agencies. This would decrease the high rate of turn-over of attorney personnel.

We recommend sufficient legal stenographers and clerical help to service the State Attorney's Office.

Closer cooperation between the State Attorney's Office and the Public Safety Department must occur. It would seem reasonable, as an example, that the investigative force in the State Attorney's Office could be increased by the assigning of a number of the Public

Safety Department personnel full time to the State Attorney.

We recommend increasing the intern program which uses law students, thereby augmenting the personnel of the State Attorney's Office, as well as attracting a greater number of potential lawyers to the field of criminal law. More stress on criminal law in the law schools would further interest law students in criminal law.

PUBLIC DEFENDER'S OFFICE

We commend the Public Defender's Office for their fine in-training and intern programs.

We recommend that sufficient space be provided in the Courts and in the Jails for interviews with defendants and for subsequent consultations.

We recommend an increase in the number of attorneys, legal secretaries and clerical help commensurate with the needs of the Public Defender's Office in Dade County.

We recommend salary increases for the attorneys in the Public Defender's Office in order to bring them in line with salaries of attorneys in other agencies.

CRIMINAL DIVISION OF THE CIRCUIT COURT

We recommend that the additional court space needed now be provided and that plans be made for the future needs.

We strongly recommend the installation of a complete law library in the Criminal Justice Building.

We recommend that any Circuit Judge welcome the opportunity to serve this community by sitting as a Criminal Division Judge when assigned to do so since there is no more important division of the Circuit Court.

Since special expertise is needed by Criminal Division Judges, we recommend that Judges being assigned to the Criminal Division be given intense training in order to be effective on the Criminal Bench.

We recommend the appointment of no less than two and preferably four more Criminal Division Judges to carry the ever-increasing criminal case load.

CLERK OF THE CIRCUIT COURT

We recommend that the responsibility of the Court Calendar be that of the Chief Judge of the Circuit Court represented by the Court Administrator and be carried out by the Clerk of the Circuit Court who shall be totally responsible to the Chief Judge in this duty.

CORRECTION AND REHABILITATION DEPARTMENT

We recommend immediate building of more facilities for prisoners in Dade County and that planning begin now for future needs as the county grows in population.

We recommend that Federal prisoners not be housed in Dade County facilities. At present, there are at least 200 Federal prisoners confined in the already overcrowded Dade County Jail.

We recommend that emphasis be placed on rehabilitation by meaningful programs and by further building of Half-Way-In Houses which would include Half-Way-In Houses for women.

PAROLE AND PROBATION

We recommend that a study be instituted to determine whether it is appropriate to place probation under the direct supervision and control of the Circuit Court Administrator.

We recommend that the line of communications be more open between the Parole Commission in Tallahassee, the area supervisors and parole and probation officers.

We recommend the Parole and Probation staffs in Dade County be increased in order to reduce the individual case load of each staff member.

We recommend salary increases for all positions connected with Parole and Probation; the starting salary for a beginning case worker should be no less than that of a new police officer.

We recommend that each parole and probation officer be given the discretion to require parolees and probationers to visit the parole officer at his or her office.

We recommend the utilization of sufficient volunteer or paid civilian workers to take a large burden of the paper work from the case workers. Volunteers and/or paid civilians should be trained for specific duties and compensated accordingly. This would release the parole officer to get out into the field to contact parolees, face to face, and to know what he or she is doing in the community.

We recommend that the 1975 Legislature enact legislation making it mandatory that whenever a prisoner is being considered for parole, the Parole Commission must contact and consult the sentencing Judge and State Attorney. In the Kish case, neither the sentencing Judge, nor the State Attorney were notified at the time parole was being favorably considered.

We recommend that the next Grand Jury investigate in depth the Parole and Probation Commission and system in Florida.

CHIEF JUDGE

We commend Chief Judge of the Circuit Court, Grady L. Crawford, for establishing meetings of a Principals Conference for the administration of criminal justice in the Eleventh Judicial Circuit.

We recommend that such meetings be held bi-weekly until such time as the participants shall determine that sufficient progress had been made to warrant less frequent meetings.

OFFICE OF THE COUNTY MANAGER

The County Manager is by County Charter also the chief law enforcement officer in Dade County. In this capacity, as well as in the capacity of his having appointed the Director of Correction and Rehabilitation, the Jury recommends that he take an active role in reviewing and making recommendations for the betterment of the Public Safety Department and the Department of Correction and Rehabilitation.

The Jury, further, recognizing that the Metropolitan Justice Building was built for the purpose of housing the Criminal Court and certain segments of the Court such as the State Attorney's Office and the Public Defender's Office, recommends that space be found immediately for the other county offices now housed in the Metropolitan Justice Building but not a part of the Criminal Justice System. With the crime rate increasing, the continued population growth in the County, and with the Criminal Justice System being under-spaced, such moves are urgent in order that the entire Criminal Justice System may work in a more cohesive manner.

The Spring Term 1974 Grand Jury recommends immediate planning for the use of the four floors of the jail section not now being used for jail purposes.

THE ENTIRE CRIMINAL JUSTICE SYSTEM

Testimony which has been heard indicates that the Public Safety Department is adding 140 new police positions. With the anticipation of further arrests each day, this, then, creates a need for more criminal judges, jail facilities, parole and probation officers and other positions.

We have heard further testimony that to the best of the knowledge of those questioned, no person knows of a time when all the segments of the Criminal Justice System have held a meeting jointly prior to the invitation to such a meeting by Chief Judge Grady L. Crawford.

We recommend, therefore, that each segment of the Criminal Justice System make every attempt to familiarize itself with the duties and responsibilities of all the other segments.

We recommend that they seek ways in which all may work cohesively and cooperatively together for the better working of the entire system.

They should always keep in mind that each segment is a separate entity with its own problems and its autonomy.

SUMMARY

The Spring Term 1974 Grand Jury recognizes that in the short space of six months and with the broad aspects of the Criminal Justice System, a study in depth of the total system was not possible, nor was it attempted.

The Jury recognizes that it has not in any way touched upon juvenile crime, misdemeanors, nor other parts of the total system, and would urge following Juries to consider as a part of their investigations a study of those other segments and/or an investigation in more depth into those segments upon which this Jury has made a beginning.

We have found after consideration of many problems in Dade County none that is as urgent as that of the total Criminal Justice System.

THE GRAND JURY SYSTEM

We, the members of the Spring Term 1974 Grand Jury hope to give those who follow us both operational facts and suggestions for a more effective Grand Jury system.

We immediately point out the need for Grand Jurors to acquaint themselves with their powers, as well as their obligations. Only through proper exercise of both, can the Grand Jury continue to be a constructive force in this community.

The following rights of the Grand Jury have been reviewed and confirmed by the presiding Judge of the Grand Jury and the State Attorney's Office:

1. Grand Jurors have the power to demand a full presentation of all evidence in a given matter.
2. Grand Jurors may require that additional witnesses and evidence be presented if it appears that something has been improperly presented in a case.
3. No persons other than jurors shall be present when the Grand Jury meets in executive session to vote or deliberate.
4. The Grand Jury may insist at all times on complete independence from any sort of pressure from any source whatever so long as it always operates within the law.
5. The Grand Jury is an independent investigatory body and may start its own inquiries into crime or other matters involving the public's health, safety and welfare when it has reason to believe they exist.
6. The Grand Jury may issue its own subpoenas which are mandatory and compelling on those served.
7. The Grand Jury may request a Special Prosecutor be appointed

by the Governor or Circuit Judge if dissatisfied with the State Attorney's Office in a specific case so long as the appointment is made consistent with Florida Statutes 27.14 and 27.16.

8. Anyone may request the opportunity to appear before the Grand Jury, but the Grand Jury may reject such a request.

9. Grand Juries may investigate official conduct of elected office holders, public employees, and appointed officials.

10. The Grand Jury may investigate whether public business is being handled legally and ethically, whether officials are incompetent, lax or corrupt in their duties. However, Grand Juries may not actually name public officials when reporting on public mismanagement or wrongdoing without actually indicting the officials.

11. The Grand Jury may also request that its term be extended if there is a specific matter to be further investigated consistent with Florida Statute 905.095.

This Grand Jury reviewed all Grand Jury reports from 1970 to date. The investigations and resulting reports covered a wide range of subjects connected with the public's health, safety and welfare. To determine whether previous Grand Jury recommendations had been implemented, this Grand Jury wrote to the head of each agency to which recommendations were directed. The response indicated that these recommendations had, in most instances, been implemented. We believe this fact indicates that Dade County Grand Juries have served an effective and vital role in the community, and that the Grand Jury should be retained as a means through which citizens can keep check on traditional institutions and agencies of government.

The constitutional due process restrictions of the law fully protect the rights of individuals who are subjects of the Grand Jury's

inquiries. These same individuals are further protected by the confidentiality of Grand Jury proceedings. Within this same framework, however, it is mandatory that the Grand Jury's independence and voice are in no way impaired.

To this end, we recommend the following:

1. The adoption by the Legislature of a comprehensive grand jury bill similar to Committee Substitute for Senate Bill 283 proposed by the Grand Jury Association of Florida in the 1974 legislative session.

2. This bill should clearly define the rights, duties and responsibilities of grand jurors and those officials who work with the Grand Jury so that the Grand Jury may be fully apprised of its authority.

3. Legislation should provide for a two week overlap between consecutive grand juries so that the incoming jury may watch, but not participate in, the deliberations of the outgoing jury, thus familiarizing itself through observation, with jury procedures.

4. Provision should be made for the impaneling of an additional grand jury should it be determined necessary.

5. Grand juries should be chosen by random selection from the voter registration rolls. Through the use of a grand jury questionnaire which seeks pertinent background information, the Presiding Judge and the State Attorney should be able to question the jurors to determine whether they are qualified by law to serve on the jury and the Judge should excuse any person for cause if he is not qualified by law to serve.

6. If the court should determine that a prospective grand juror has a state of mind or condition which will prevent him from acting impartially and without prejudice to the substantial rights of the state or the accused or to the integrity of the jury deliberations, the court should then excuse the juror for cause.

7. The Foreman of the Grand Jury should be elected by the Grand Jury from four jurors nominated by the presiding judge. The Vice Foreman would be that juror receiving the second highest number of votes.

8. All actions of the Grand Jury should be taken by a vote of at least twelve of its twenty-three members.

9. The Chief Judge of the Judicial Circuit should assign a Circuit Judge to preside over the Grand Jury and this duty should be rotated among the Circuit Judges in the circuit, no judge to serve longer than one year consecutively.

10. A court reporter or stenographer should record verbatim the testimony of all witnesses questioned by the Grand Jury.

11. No person should be permitted in this Grand Jury room other than Grand Jurors, except the witnesses under examination, the State Attorney or Acting State Attorney or their assistants, the court reporter or stenographer, an interpreter if necessary, and with the approval of twelve members of the Grand Jury and the State Attorney or Acting State Attorney there should also be permitted an investigator or person having expertise in the Grand Jury's area of inquiry.

12. No person other than the grand jurors should be present while the jurors are voting or deliberating in executive session. All grand jury mail should be opened in executive session.

13. The State Attorney, Acting State Attorney or their assistants should attend the session of the Grand Jury except while the jury is voting or deliberating in executive session and should present and examine all witnesses, present evidence and give legal advice about any matter within the jurisdiction of the Grand Jury.

14. If the Grand Jury determines that either the Presiding Judge

or the State Attorney has a state of mind that would prevent him from acting impartially and without prejudice to the substantial rights of the state or the accused or to the integrity of jury deliberations, the Judge or the State Attorney should be disqualified.

15. If the State Attorney is disqualified, the Presiding Judge or the Governor should appoint an Acting State Attorney.

16. The Court should not restrict a Grand Jury from investigating any matter which affects the public's health, safety and welfare so long as that investigation is consistent with law.

17. If the Grand Jury disagrees with a ruling of law by the Presiding Judge, it should have the right to certify the question of law to the District Court of Appeal for expedited resolution.

18. A report relating to an individual which is unaccompanied by a True Bill or Indictment should not be published until that individual has time to contest the report. However, publication should be delayed no more than 15 days after such report has been presented to the court.

19. All grand jurors receive for each day or a fraction thereof of active attendance at the Grand Jury sessions compensation of Twenty Dollars (\$20.00). Provision should be made that no employer of a grand juror or prospective grand juror will refuse to let such juror or prospective juror serve or in any way discriminate against or penalize such juror or prospective juror.

20. The Legislature should appropriate sufficient monies to permit the preparation of a Grand Jury Manual which can advise grand jurors throughout the State concerning their rights, duties and responsibilities.

We have found our most constructive efforts have been accomplished through the friendly, courteous, cooperative spirit shared with the members of the State Attorney's staff.

ACKNOWLEDGMENTS

The Spring Term 1974 Grand Jury wishes to extend its acknowledgment and thanks to the following:

To Judge Harold R. Vann for the sharing of his judicial expertise and his accessibility to the Grand Jury at all times;

To Richard E. Gerstein, State Attorney, and to his Assistants, N. Joseph Durant and Janet Reno, for their legal counsel, guidance, wisdom and patience;

To Eleanor M. Robinson whose abilities as Administrative Assistant are unsurpassed by any;

To Wallace D. Culbertson, Jr. who has always been at hand acting as the Bailiff to the Grand Jury and who has most willingly acceded to our requests;

To the officers from the several Police Departments appearing as witnesses in Capital Cases for the presentation of their evidence and for the manner in which they conducted themselves in the Jury room;

And to all others who, along with those listed above, have aided in making the term of this Grand Jury most comfortable and productive and a pleasure for all of us.

Respectfully submitted,

Ann S. Stover

Ann S. Stover, Forewoman
Dade County Grand Jury
Spring Term 1974

Attest:

Edward C. Greenop

Edward C. Greenop
Clerk

Dated: November 12, 1974