

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

FALL TERM A. D. 1957

FINAL REPORT OF THE GRAND JURY

Filed

May 13, 1958

Circuit Judge Presiding

GEORGE E. HOLT

Officers and Members of the Grand Jury

ROOSEVELT C. HOUSER, Foreman

JAMES B. BISHOP, Vice Foreman

PAUL E. BELL, Treasurer

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WILL S. LINDSLEY

EDWARD B. MOYLAN

JOHN W. OWENS

MARSHALL S. PHILPITT, JR.

LON MORRIS SNIFFEN

RUSS FAIRBANKS (Excused)

State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

JOHN C. WYNN

THOMAS G. O'CONNELL

GEORGE EADIE ORR

Clerk of the Circuit Court

E. B. LEATHERMAN

Administrative Assistant

ELEANOR ROBINSON

Official Court Reporter

JACK W. MALLICOAT

Bailiff

W. R. HOLZBAUR

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TO THE HONORABLE GEORGE E. HOLT, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

The 1957 Fall Term Grand Jury was the first impanelled under the new Florida Legislative Act wherein the method of selection of Grand Jurors was changed from the volunteer system to selection by the newly created Grand Jury Commission.

With this solemn responsibility, the Grand Jury determined from its first session that no better pattern of procedure could be followed than the very Oath it had taken just moments before. So that all may be aware of it, and so that it may act as a guide for our successors, we quote that Oath in its entirety:

"You, as grand jurors for the body of this County of Dade, do solemnly swear that you will diligently inquire and true presentment make, of all such matters and things as shall be given you in charge; the counsel of the State of Florida, your fellows and your own, you shall keep secret, unless required to disclose the same by some competent court; you shall present no man for envy, hatred or malice, neither shall you leave any man unrepresented for love, fear, favor, affection, or hope thereof, but you shall present things truly as they come to your knowledge, according to the best of your understanding. So help you God."

With this Oath constantly in mind, we as citizens of our community set out to better the conditions under which all citizens of our county may live.

Following is a list showing the disposition of Capital and Criminal Cases heard by this Jury:

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
NORMAN J. MACKIEWICZ	First Degree Murder	True Bill
CLARK THOMAS)	First Degree Murder	True Bill
ROBERT HADDEN, JR.)		
ROBERT LEE MYERS, JR.)		
GARTREL THOMAS	Second Degree Murder	No True Bill
GREEN MOSS	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
JAMES HAMILTON III	First Degree Murder	True Bill
GLORIA T. LUTZ	Manslaughter (2 Counts)	True Bill
ROBERT WAYNE CARTER	First Degree Murder	True Bill
LAWRENCE WANAMAKER	First Degree Murder	True Bill
HERBERT THOMPSON	First Degree Murder	True Bill
LLOYD S. STIRRUP	Manslaughter	True Bill
LLOYD S. STIRRUP	Manslaughter	True Bill
HENRY FRANK LEONHARDT	First Degree Murder	True Bill
WILLIAM VINCE BLACK	Rape	True Bill
JOHN ROBERT REEVES, JR.	First Degree Murder	True Bill
JOHNNIE WILLIAM WILBURN	Lewd, Lascivious and Indecent Assault upon a Child Under Fourteen Years of Age without the Intent to Commit Rape	True Bill
CLYDE MAY DIXON	First Degree Murder	True Bill
LEE FRANKLIN SMITH	Rape	True Bill
DAVID SERMONS	Second Degree Murder	True Bill
FELIPE ALICER RODRIGUEZ) JESUS LEBRON RODRIGUEZ) GERMAN LEBRON RODRIGUEZ) ANGEL LUIS REYES RIVERA)	Rape	True Bill
JOSE VALESQUEZ BATISTA	Second Degree Murder	True Bill
DON ADJMI; also known as DON KING, AND JOSEPH ADJMI	Conspiracy to Commit Grand Larceny by False Pretense	True Bill
DON ADJMI, also known as DON KING, and JOSEPH ADJMI	Attempt to Commit Grand Larceny by False Pretense	True Bill
WILLIAM D. WILSON, JR.	Manslaughter	No True Bill
SALUSTINO SOTOS CRUZ	First Degree Murder	True Bill
FRANK GLASCOCK	Manslaughter	True Bill
FRANK GLASCOCK	Manslaughter	True Bill
FRANK GLASCOCK	Manslaughter	True Bill
HERBERT ORTIZ, also known as BERTO ORTIZ	First Degree Murder	True Bill
IGNACIO RAMOS, also known as NACHO RAMOS	First Degree Murder	True Bill
HAROLD CLEVELAND BAIN	First Degree Murder	True Bill

ATTORNEY FEES

The Grand Jury has received numerous complaints from litigants relative to attorney fees. The Grand Jury does not feel that it could or should interfere with the private matter of attorney-client relationships, adopting instead the policy of referring such complaints to the proper authority, namely The Florida Bar.

The Grand Jury recommends, to avoid such situations, that:

1. At the outset of the relationship the client determine, where possible, the fee involved.
2. That the attorney encourage such practice on the part of the client.

AUTOMOBILE INSPECTION STICKERS

The Grand Jury has investigated the lax methods employed by certain municipalities in the issuance of automobile inspection stickers, the most flagrant of which is the town of Sweetwater.

In view of the fact that Dade County plans to assume this function, we are not pressing corrective measures at this time.

We recommend that our successors reopen the issue should the County not follow through with its plan.

AUTOMOBILE INSURANCE RATE INCREASE

On April 24, this Grand Jury filed in Open Court an Interim Report covering the recent increase of automobile insurance rates in Dade County.

We again draw attention to its six recommendations and urge our successors to be alert to their implementation.

BOLITA

During the course of our duties as Grand Jurors, we have heard testimony concerning and have investigated many criminal offenses. Much of the testimony we have heard involved capital crimes and other heinous offenses. However, it is the belief of this Grand Jury that nothing destroys the confidence of the people of this community in their law enforcement officers as much as organized gambling - - - chiefly, bolita.

We have heretofore issued an Interim Report on this subject. We reiterate the position taken in that Interim Report that bolita can be greatly curtailed within the City of Miami upon the demand of the City Commission directed to the City Manager and relayed through him to the Police Department.

After much delay, the City Commissioners of the City of Miami have followed this recommendation. It is difficult to understand the reason for the delay and difficult to understand the reluctance of the Commissioners to put this order into effect. Nonetheless, the Commission is to be commended for finally taking the action.

In the future, there must be continued vigilance on the part of all enforcement agencies if organized gambling is to be suppressed. All persons charged with this responsibility must maintain a constant effort to keep known operators under surveillance and be alert for new evidence of organized crime.

CHILD WELFARE

The future wealth of our community is in our young people. Consequently, this Grand Jury continued the efforts of its predecessors by further investigating the Juvenile Court and related institutions.

Testimony from a national authority, as well as local officials, plus review of the "Welfare Planning Council's Family and Child Care Division" survey just released prompts us to recommend the following:

1. Since all recognized authorities on the subject, including the U. S. Children's Bureau, agree that dependency is an administrative, not

a judicial problem, and that the dependent child is usually in need of assistance from a Public Welfare Department, not from a court, we recommend:

- a. That the Legislature investigate, examine and redefine those sections of the Florida Law which deal with delinquent, neglected and dependent children.
 - b. That the Legislature remove the jurisdiction of dependent children from the Juvenile Court.
2. Inasmuch as legislative processes must, of necessity, consume time, and since irreparable damage is often done to dependent children placed in institutions at infancy, or early ages, pending action of the Legislature, we recommend:
- a. That the County Commission appropriate the necessary funds to expand the Foster Home Program in order to immediately remove dependent children under eight years of age from the Kendall Home.
 - b. That the staff at Kendall, the Juvenile Court, and the County Welfare Department cooperate wholeheartedly to accomplish this purpose.
3. Expand existing and develop new services which would provide programs to prevent delinquency, and to rehabilitate those children already delinquent.

This will require:

- a. Trained personnel which will save the community money in the long run. For example, in the field of probation, service can be supplied at 50¢ a day, thus avoiding institutional care costing eight or nine times as much.
4. With approximately half of the crime committed by persons 18 years and younger, it is imperative that:

Law enforcement agencies concerned with juvenile offenders be centralized and coordinated.

COMPLAINTS BY UNION MEMBERS

This Grand Jury recognizes its obligation to attempt to correct injustices to which residents of this county are subjected. But it does not believe that its good offices should be used to mediate differences within organizations where machinery for that purpose exists as it does in organized labor.

For this reason, it has referred all such complaints to those bodies created for the purpose of settling grievances of its members.

CONFLICT OF INTEREST

This Grand Jury has become cognizant of the increasing number of public officials who have engaged in business activities which involve conflicts of interest.

There are always some sacrifices that must be made when one assumes public office. The people have a right to expect their officials to avoid suspicion of wrongdoing as well as actual wrongdoing. No man can serve two masters - no person, no matter how sincere, can regulate nor supervise objectively a business in which he has stock or other financial interest.

Our society, although based on law, is the outgrowth of the cultivation of high moral and ethical values, and that which perhaps may not be illegal is equally unacceptable as a course of conduct when it offends those values. A public official who justifies his conduct by the lack of law is none the less guilty.

Many officials are now prohibited by law from doing business with those whom they regulate or from engaging in private enterprise similar to their official duties.

We recommend to the Dade Delegation to the 1959 Legislature, remedial legislation to cover voids which exist in our present laws pertinent to this matter.

COUNTY FUNDS

This Grand Jury reviewed the manner in which cash funds of the County are handled with particular reference to those funds placed on time deposit for the purpose of earning interest.

Figures and percentages tend to be misleading due to the lack of uniformity of receipt of funds, but our examination revealed that full advantage has not been taken of the opportunity to make idle funds productive, due to insufficient supervision in the past.

In addition, other funds earmarked for specific purposes have been kept on demand deposit while they could have been placed on 90 day time deposits.

In view of the fact that time deposits earn the County 1% on 30 days, 2 1/2% on 90 days, and 3% on 180 days, we recommend:

1. That the County Commission establish by means of audit a minimum percentage figure to be maintained at all times for funds on time deposit.
2. That the County Commission be constantly alert to not only maintaining that minimum percentage figure but to exceed it whenever possible.

FAILURE OF PUBLIC OFFICIALS TO REPORT ATTEMPTED BRIBERY

During the taking of testimony from public officials in various subject matters under investigation by this Grand Jury, it was revealed that several of these officials had been offered bribes or unauthorized compensation. The Grand Jury was amazed to learn that these officials failed to report these bribe attempts to the proper law enforcement agencies.

Since such offers are in direct violation of law, it is incumbent on all public officials to cooperate in the apprehension of such offenders by reporting all such attempts.

FRAUDULENT RETAIL MERCANTILE PRACTICES

On March 25, 1958, the Grand Jury filed in Open Court an Interim Report concerning linen shop operators which was accompanied by two indictments.

From that Interim Report, we quote:

"The doctrine of Caveat Emptor (the Buyer Beware) does not license a merchant to misrepresent his wares, or legalize fraud, nor does it place the buyer at his mercy, which has become the accepted pattern of these particular offenders."

We urge the State Attorney's Office to employ all means at its disposal for a successful prosecution of these indictments as a step toward ridding the county of these harmful practices.

HIALEAH - TICKET FIXING

On March 13, 1958, the Dade County Grand Jury filed in Open Court an Interim Report concerning "ticket fixing" in Hialeah. The Grand Jury wishes to commend the action of the Council of the City of Hialeah in subsequently passing an ordinance making this practice illegal. We recommend their action be adopted by all municipalities to prevent this evil arising.

IDENTIFICATION OF SCHOOL BOARD PERSONNEL

Dade County is fortunate in having one of the outstanding public school systems in the entire country, made so by the dedicated officials who direct its destiny, along with the high calibre of the instructional staff.

But, it is altogether possible due to its very size that an undesirable or unqualified person could become affiliated, thus exposing our children to evils at their most impressionable age.

Wherefore, as a result of considerable study of the subject, and for the protection of all present and future employees involved in the system, as well as the children themselves, we recommend:

1. All references for future employment be verified and checked.
2. All future employees be photographed and fingerprinted.
3. As time permits, but in a progressive manner, all present employees be photographed and fingerprinted.

LICENSING MOTOR VEHICLE OPERATORS

On December 17, 1957, the Grand Jury filed an Interim Report in which the need for new legislation governing drivers of motor vehicles was called to the attention of the public. We made certain recommendations which we reaffirm as follows:

1. RE-EXAMINATION OF DRIVERS

Require re-examination of all drivers upon expiration of licenses at least every four years to determine physical and mental capacity for driving.

2. RE-EXAMINATION FOR CAUSE

Authorize officials to re-examine drivers at any time for good cause (after any accident, after three moving violations).

3. NEW TYPE OF DRIVER IDENTIFICATION

New type of driver identification, including fingerprint and photograph of driver, similar to the type now being used in California and North Carolina.

We recommend that the Dade County Legislative Delegation press for adoption of these corrective measures during the next session of the Florida Legislature.

MIAMI BEACH REPORT

The Miami Beach Report covering an investigation of the Police Department has been the object of controversy from its inception. It has been suppressed from the public leaving many officials under a cloud of suspicion. In order to erase the harm already committed, this Grand Jury makes the following statement.

The Grand Jury reviewed the document to determine a final disposition, and this review revealed:

No evidence upon which indictments could be based.

The manner in which the information in this report was assembled points up how both money and effort can be diverted into unproductive channels.

PUBLIC BUILDINGS AND INSTITUTIONS

As part of the duties of the Grand Jury, we have caused an inspection to be made of the facilities of the:

Dade County Jail
State Attorney's Office
County Stockade
County Hospital and Home at Kendall
Jackson Memorial Hospital
Juvenile Court and Youth Hall
City of Miami Stockade
City of Miami (Alexander Orr) Water Plant
Miscellaneous Installations

It is our belief that these public buildings are being utilized to the best of their limited capacity, in face of a rapidly increasing demand upon them.

The most serious examples of inadequate facilities observed by this Jury were the offices of the State Attorney and the County Jail. On the other hand, the worst example of obsolescence is the County Stockade.

We note that studies of the State Attorney's facilities are underway and that plans are in progress for a new County Jail. We also note that attention is being given to the County Stockade.

We urge that these three public facilities receive accelerated action on the part of the County Commission and County Manager.

PUBLIC CONCESSIONS AND PURCHASES

This Grand Jury has observed the manner in which certain concessions and purchases have been handled by Dade County authorities.

As a result, the Grand Jury recommends:

1. That all concessions let and purchases made be on a bid basis.
2. That the specifications be clearly spelled out and be met by all bidders.
3. That the lowest bidder on all purchases and the highest bidder on all concessions be accepted, unless good cause can be shown for not doing so.
4. No discrimination shall be exercised against any competitive bidder.

SCHOOL BOARD COMMISSARY

In reviewing the past experience of the Dade County School Board in the operation of a Commissary, the Grand Jury approves the action of the Board in eliminating this system.

SLUM AREAS

The matter of irregularities, injustices, and favoritism in supervision of the City of Miami's so-called "slum area" was presented to this Grand Jury too late in its term to thoroughly investigate the allegations.

Nevertheless, because of the seriousness of the charges, this Grand Jury heard several witnesses in order to determine whether there were sufficient grounds for a complete investigation.

Preliminary testimony revealed:

1. Present corrective measures permitting multiple family developments to replace condemned single family units, are not planned to avoid creating future slums by overcrowding.
2. There is no supervision to prevent possible collusion between inspectors and contractors.

This Grand Jury recommends that its successors investigate the entire problem thoroughly.

SOUTH DADE LABOR CAMPS

Through an investigation conducted by the State Attorney's Office into the health and sanitation conditions of South Dade labor camps, a deplorable situation was found to exist.

Inspection of the 69 camps resulted in the following:

1. Criminal Informations were filed against 9.
2. Ten day notices to correct violations were given to 37. These notices were subsequently complied with.
3. Twenty-three were found to be satisfactory.

In addition to the above, the investigation revealed:

1. Laxity in the issuance of license renewals.
2. Inadequate camp inspections.

The investigation disclosed that it is physically impossible for one man to properly enforce the regulations with the result that the Dade County Health Unit has since hired an additional inspector.

Recommendations:

1. Require application for permit no less than one week prior to camp opening.
2. Inspection and approval of the camp prior to occupancy.
3. A definite schedule of monthly inspections.

SPECIAL LEGAL COUNSEL AND SPECIAL INVESTIGATORS

It is interesting to note that this Grand Jury operated without the assistance of Special Legal Counsel or Special Investigators.

Due to complete cooperation and liaison between this Grand Jury and the State Attorney's Office, all investigations made on order of the Jury, as well as all matters presented to it, were most thoroughly and capably handled. Where such relationship exists between the Grand Jury and the State Attorney's Office, and circumstances do not dictate otherwise, substantial savings of taxpayers' funds result. By law, Dade County must make available \$50,000 annually for both the Spring and Fall Term Grand Juries, with all unused funds returning to the County Treasury at the end of each fiscal year.

It is with considerable satisfaction this Grand Jury reports that, in spite of the scope of its work, it used only approximately \$2,600.00 of the \$25,000 allotted for its use.

TAX ASSESSMENTS - - - PRIVATE WATER COMPANIES

This Grand Jury received a number of complaints during its term relative to inequalities in tax assessments, as well as irregularities in the conduct of private water companies.

Testimony was taken indicating grounds in some instances warranting corrective measures.

After due deliberation, this Grand Jury determined to table both matters in order to give the newly created Metropolitan Government an opportunity to correct these situations.

This Grand Jury observes with satisfaction that studies of both are underway.

IN APPRECIATION

The Grand Jury wishes to express its appreciation to the Honorable George E. Holt for the outstanding Charge which he delivered upon its formation. We especially recognize the free rein he gave the Jury throughout its term, thus making it possible for it to direct its efforts and determine its findings without influence.

THOMAS G. O'CONNELL - GEORGE EADIE ORR

The scope of work undertaken by this Grand Jury could not have been done except for the tireless energy, relentless search into fact, and production of supporting evidence prepared by Assistant State Attorneys Thomas G. O'Connell and George Eadie Orr. Their dedication to this Grand Jury, coupled with their abilities, made our efforts much more effective.

JOHN C. WYNN

We are also indebted to Chief Assistant State Attorney John C. Wynn for guidance in the law governing the conduct of the Grand Jury and for his assistance in our investigations. Those matters specifically assigned to him were most competently handled.

HOMICIDE DIVISION - STATE ATTORNEY'S OFFICE

We wish to recognize the manner in which the Assistant State Attorneys assigned to the Homicide Division, charged with the handling of Capital Cases, prepared and presented the evidence to this Grand Jury. Decisions of innocence or evidence of guilt are difficult at best and so much depends upon the manner in which they are presented. The State Attorney is fortunate indeed in having such a competent staff.

E. B. LEATHERMAN

We are indebted to Mr. E. B. Leatherman, Clerk of the Circuit Court, and his office staff for the special assistance and courtesy extended to this Grand Jury. We wish to express our appreciation for this cooperation and assistance.

ELEANOR M. ROBINSON - ADMINISTRATIVE ASSISTANT

The business of the Grand Jury is at best involved and complex, requiring the services of the most competent of secretaries. It is without hesitation that this Grand Jury recognizes the ability of Eleanor M. Robinson. Without her knowledge of the work and her ability to coordinate, our task would have been endless. We wish also to recognize her devotion to duty and her spirit of wholehearted cooperation.

W. RUFUS HOLZBAUR - BAILIFF

To our Bailiff, W. Rufus Holzbaur, we wish to express our appreciation for his efforts expended in our behalf in the serving of many subpoenas, as well as the courteous and efficient manner in which he discharged his additional responsibilities.

RICHARD E. GERSTEIN - STATE ATTORNEY

And last, but purposely so, this Grand Jury wishes to pay tribute to our State Attorney, Richard E. Gerstein, for his:

High sense of obligation to his task.

Solemn and conscientious approach to each subject matter.

Fearlessness in defending the cause of right.

Conscientious defense of the innocent, as well as vigorous prosecution of the guilty.

Constant attention and alertness to our aims.

Refraining from originating or influencing the direction
of our investigation.

Avoidance of favor.

Enforcement of the Oath of Secrecy.


Consciousness of the importance of the waiving of immunity.


Personal restraint in spite of the power of his office.

This Jury was amazed at the range of his efforts and his determination to search
out evil. That for which others are complimented, he considers his duty.

It is with the highest esteem and respect this Grand Jury expresses its appreciation
to Richard E. Gerstein.

Respectfully submitted,


Roosevelt C. Houser, Foreman
Dade County Grand Jury
Fall Term 1957

Attest: 
Selma W. Alexander
Clerk

Dated: May 13, 1958