

City of Coral Gables City Commission Meeting
Agenda Item K-5
November 14, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
Deputy City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Israel Reyes
Manuel Guarch

Agenda Item K-5 [10:29:28 a.m.]
Update on Justice Advocate Program cases.

Commissioner Quesada: Mr. Mayor, just a quick procedural item. Item K-5, update on Justice Advocate Program. We have three attorneys here that we're paying by the hour that I'd prefer if we...

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Agenda Item K-5 - Update on Justice Advocate Program cases.

Mayor Valdes-Fauli: Sure. We can do that now.

Commissioner Quesada: Deal with it now before the 11 o'clock time certain to get them out of here.

Mayor Valdes-Fauli: Yeah, yeah, that's good.

Commissioner Quesada: If that's okay.

Mayor Valdes-Fauli: K-5.

City Attorney Leen: And, I will note for the record that when more than one of them are here, we have a special arrangement to make sure that...

(LAUGHTER)

City Attorney Leen: (INAUDIBLE) is lower.

Mayor Valdes-Fauli: K-5.

City Attorney Leen: I'd just like to call up Judge Reyes -- for Judge Reyes. He has been the -- has spearheaded the Justice Advocate Program for us. And, I think it's been a tremendous effect. And, I would also like to recognize Manny Guarch, who's the police legal advisor, along with Mr. Reyes. And Mr. Reyes, did you want to speak about Mr. Guarch?

Israel Reyes: Yes. I'm going to let Mr. Guarch give his last presentation to you today...

City Manager Swanson-Rivenbark: Oh, no.

Mr. Reyes: Because he is leaving my office to join the Seminole County Sheriff's Office as the Assistant General Counsel, with my blessing. He came to me...

(APPLAUSE)

Vice Mayor Keon: Whoa, good for you.

Mr. Reyes: Because we have a terrible relationship, he came to me before he took the job wanting my advice. And of course, you know, because of our relationship -- I've known him since high school. You know, we talked it out, and of course, I'm very happy for him. So, I'm going to let him give the last presentation that he's going to give to you today, because he leaves next month. Taking over the Coral Gables along with me, as always, because I'm always there, watching and supervising is one of my other attorneys, Christopher Reyes, my son. So, I'm introducing him to the Commission today. So, Mr. Guarch.

Manny Guarch: Madam City Manager, Mr. Mayor, Commissioners, first of all, congratulations, Craig. Congratulations, Miriam. I accepted that job in no small part due to the renewed passion I feel for public service after the work I've done in the City of Coral Gables, working with Mr. Leen and working with Miriam. So, that said, briefly, I know we're here for the Justice Advocate Program. As you know, Justice Advocate Program is now a few years old and each year I think we start growing more and more. And I think there should be -- there's not. There's not a PowerPoint up there, but I wanted to explain that there's a number of cases...

City Attorney Leen: But each of you have a PowerPoint in your folder, if you want to take a look at that.

Mr. Guarch: Perfect. And, there's a number of cases we've been tracking...

City Attorney Leen: And if you could, when you go through the cases, also talk a little bit about the principles of the program, just to remind the public. This program is state of the art, and I do believe it has helped contribute to a declining crime rate here. And, I want to thank the Director of Public Safety for support of the program, the Chief of Police for his support of the program, and the City Manager. This has been a joint effort.

Commissioner Lago: It's up there now.

Mr. Guarch: And it was the first of its kind in Dade County, and as far as I know, the state of Florida, but I can't represent that for certain. I know actually some cities have now modeled similar programs after this, following up with the State Attorney's Office. And, there's even now citizens' groups that are doing something similar and showing up at bond hearings, et cetera. So, the first of the seven program goals was to reduce recidivism. Commissioner Quesada said it earlier, I believe, which was if you're going to commit crime in Coral Gables, you're going to pay for it. And, the idea is to deter the commission of crime in Coral Gables, and I think we're doing that. The first one I wanted to note very briefly but is important, especially after meeting the victims of this heinous crime was offender Luis Basalo. Two years ago, on October 31, he carjacked two young children -- young kids. They're not children; they're 17 years old -- and shot them both as they were running away. He was 17 years old at the time. He was filed as an adult. He has committed a number of other offenses. Two years to the day that he shot those two children, he was sentenced to 45 years in prison. We've worked closely with the State Attorney's Office and ASA Steven Mitchell in assisting him in prosecuting that case, making sure he has the evidence he needed. And, he specifically spoke to those victims and told them how appreciative he was of this City's program and making sure that exactly what he needed, he got in order to secure that conviction. So, he was found guilty on those counts and sentenced to 45 years, to do 40 years day for day. So oftentimes, you hear about offenders who aren't going to do the full time. That's 40 years that he will serve without a question. The reduction of any time will be on the next five years, followed by what amounts to life probation. Brown, Wilcher and Wooten are three subjects, one of which has now pled out.

Wilcher accepted a plea that was approved by the City Attorney's Office, Ms. Ramos, the police department and the victim. He was adjudicated guilty with credit for time served of almost one year plus one year of probation. His two cohorts are currently -- there's an alias capias, a bench warrant, for their arrest and they're fugitives from justice. Santino, Patrick Fernandez -- Santino and Patrick Fernandez and Kristopher Soto were burglars. Burglary is one of the offenses this program was specifically aimed to address. One of these three codefendants has pled out. He was sentenced as a habitual offender -- habitual felony offender. He was sentenced to two years community control, four years' probation. So, he'll be under the supervision of the criminal justice system for a grand total of six years. He's also going to be doing boot camp, because of his age -- his young age. So, the other two subjects are set for trial, 12/18, and we feel good about that case, the State Attorney's Office, as well. Adam Gill also has a bench warrant. So, apparently, if you commit a crime in Coral Gables, you should run and not go to trial. There's a number of people who are fugitives from justice. Next one is Abraham Gonzalez. This...

City Attorney Leen: Can I add something, though? The goal of this program is to make sure everyone who commits a crime, that we follow up on that and make sure that they get pursued, that those cases don't get dismissed. And you know, the State Attorney's Office has worked with us on that. And a lot of that is also getting victims to participate, and I think it's been a tremendous program in that regard.

Mr. Guarch: Abraham Gonzalez is a really good example of the benefit of early contact with the Justice Advocate Program. The day after one of our officers had a gun pointed at him while he was driving in his marked vehicle on the way to the police station, they apprehended that subject. The sergeant on duty, knowing what this program's about and knowing what we do, called me while I was on the way into work and asked if we could go to bond hearings that afternoon. We went to bond hearings and we requested an elevated bond. We communicated then to Mr. Reyes' contacts with the Miami Police Department -- communicated with them and found out this subject had previous contacts with them concerning firearms. We relayed this to the judge. We also relayed the criminal history of the subject to the judge. The judge not only elevated the

bond, also ordered that if the bond was posted, he be committed to his residence on house arrest and ordered to have GPS monitoring on him, and also ordered him to submit -- or release any firearms to the nearest police department. Cedric Gray was an armed burglary and robbery subject. He's set for trial, 1/8. No significant updates. And then, Grissom-Rodgers was a shooting incident in front of UM, as I'm sure you're all very aware of. He's set for trial this month.

City Attorney Leen: What does that mean when they're set for trial for you? What do you do?

Mr. Guarch: We contact the -- we're always in contact with the State Attorney's Office. A few weeks before trial is when an ASA will generally start picking up and looking at that trial, making sure that the witnesses are all available and making sure they have all the evidence they need to prove the elements of their offense. We contact them and we make sure if there's anything missing, if they need to talk to a witness, if they need to do a depo, any emergency motions, we assist them.

Mr. Reyes: And something -- if I may. Something I may add is we also make -- and it hasn't happened yet. We make our offices available for the depositions. So, if any of our residents have to be deposed, they won't have to go downtown. They can go to our offices, which are here in the Gables, and we will also be there for the deposition.

Commissioner Quesada: Do they take you up on that often?

Mr. Reyes: It hasn't come up yet because these cases are getting resolved. Once they see our involvement...

Commissioner Quesada: Got it.

Mr. Reyes: They don't even have to be deposed yet, you know, because the cases get resolved favorably...

Commissioner Quesada: They'll take a plea, yeah.

Mr. Reyes: But if they do -- yeah, we will do that.

Commissioner Quesada: Got it.

Mr. Reyes: And not only will we make our offices available, so they don't have to go downtown, we will be there so they're not there alone and shield them from any harassment from any of the attorneys who try to give them a hard time.

Commissioner Quesada: Cool.

Mr. Reyes: So, the residents won't be going through the process alone either. I just wanted to add.

Mr. Guarch: And, Juan Carlos Redero is also set for trial. This is a significant -- you'll notice many of these are significant or newsworthy. I wanted to update the Commission. There's about ten offenders, fifteen offenders in this presentation. We track between 30 and 35 at a time, so these aren't all of them. We have an ongoing spreadsheet. Also, I'm sure you're aware we had a program created with the Clerk's Office that allows anyone, including witnesses, to log into the Clerk's website and bookmark cases so that for the future, if there's an event, a date event change, they get an email -- an automated email telling them the date event change. This is normal, as attorneys know, in civil cases, like entering notice of appearance. In criminal cases, until this program, unless you were the attorney on the file, you wouldn't get notice of any date changes. This allows anyone, officers, civilian witnesses, or just people who are interested, Commissioners, to sign up and get notice on date changes. And so, finally ordinance violation

prosecutions, which we've been doing with the help of City Attorney designee, Ms. Ramos. We review the cases that get no action. They're nolle pros, which are dismissed by the State Attorney's Office that fall into the repeat burglary ordinance, determine whether or not it makes sense to go forward, and Ms. Ramos handles that.

City Attorney Leen: Yes. That's part of the role of City prosecutor that we created, and Ms. Ramos has filled that role, as you all know, tremendously well.

Mr. Guarch: So, that's it. And, I thank you all for allowing me to present and for Izzy, obviously, for hiring me and allowing me to represent the City of Coral Gables, so it's been an honor.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Quesada: Well, you did a great job. Thank you so much.

Mayor Valdes-Fauli: Thank you so much, really.

Vice Mayor Keon: Thank you. Congratulations.

Mayor Valdes-Fauli: And tell me something

Vice Mayor Keon: And good wishes.

Mayor Valdes-Fauli: You two were in high school together, and you were a teacher and he was a first-year student or what?

Mr. Reyes: We met through a mutual friend.

Mayor Valdes-Fauli: Oh, okay.

Mr. Reyes: My partner, actually, when I was a police officer who passed away and he was Manny's mentor and he introduced me to Manny. And Manny -- you know, like I said I met him when he was in high school. He was one of my interns when I was a judge, and he was the first lawyer I decided to hire when I opened my own firm.

Mayor Valdes-Fauli: This is wonderful. And thank you very, very much...

City Attorney Leen: Mr. Mayor.

Mayor Valdes-Fauli: For your wonderful service. Yes.

City Attorney Leen: I just want to put on the record that the City Attorney's Office views Manny Guarch as an extraordinary attorney and we appreciate your service.

Unidentified Speaker: Thank you.

Mayor Valdes-Fauli: Thank you.

Unidentified Speaker: Thank you all.

City Attorney Leen: We'll miss you very much.