

City of Coral Gables City Commission Meeting
Agenda Item K-1
June 12, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

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

Public Speaker(s)

Christopher Reyes

Agenda Item K-1 [4:47 p.m.]
Update on Justice Advocate Program.

Mayor Valdes-Fauli: Next item is J-2, Commissioner Lago.

City Attorney Ramos: Sir, if you don't mind if we take K-1. I've had special counsel in the audience for the Justice Advocate update most of the day.

Mayor Valdes-Fauli: I tried.

City Attorney Ramos: This is the Justice Advocate update that's given to the Commission either quarterly or biannually.

Christopher Reyes: Thank you. Good afternoon, Mr. Mayor, Mr. Vice Mayor, Madam City Manager, Madam City Attorney and Commissioners. My name is Christopher Reyes. I'm an associate with the Reyes Law Firm, PA. And as you know, the Reyes Law Firm serves as the police legal advisors for the City of Coral Gables and Coral Gables Police Department. So, I just want to thank you for allowing me the time to speak to you today on behalf of the Reyes Law Firm to update you all on the Coral Gables Justice Advocate Program. The Justice Advocate Program, as you know, is a collaborative effort between the City of Coral Gables, City Attorney's Office, the Coral Gables Police Department and the Miami-Dade State Attorney's Office. The program's goal is to identify those defendants who repeatedly commit crimes and victimize the Coral Gables community and to ensure vigorous prosecution. Actually, I'm sorry. There's a PowerPoint.

City Attorney Ramos: Do you need the PowerPoint?

Mr. Reyes: And also, just...

City Attorney Ramos: Can we have the PowerPoint, please?

Mr. Reyes: I think it would help everybody -- there we go. Perfect. Thank you. Where was I? The program was initiated to ensure that those individuals who repeatedly victimized the Coral Gables community are tracked in the system and to ensure Coral Gables has an opportunity to be heard at all significant stages of the criminal proceedings through its legal representatives. There are three goals. The first goal is to reduce repeat victimization of the citizens of Coral Gables by offenders who commit certain targeted crimes. For example, burglary, robbery and vehicle-

based crimes. And then the slide -- and the next slide will show you how that breaks up and you'll see that those are the primary crimes. And these crimes occur within the City of Coral Gables and are highly likely to target Coral Gables again upon their eventual release. The second is to provide legal representation of the City's interests and the community's interests during the course of the various criminal proceedings. And third is to ensure that criminals, once arrested, are subjected to the maximum effect of the criminal justice system. And this can include things like stay-away orders, which we -- the City has used very specifically to either target a specific business or a specific person or victims -- ensuring that plea deals are in the best interest of the public, as well as the general Coral Gables citizens, and that maximum sentences are sought, obtained and served. New to the presentation, I've added just a small breakdown of what we have going on at the moment. There's -- right now, we're tracking about 40 offenders. What I've done is I took the most heinous crime that each offender has committed because if I were to put every crime they committed, every charge, this would be a very lengthy document. (INAUDIBLE) multiple cases, et cetera. So, I just took the main crime that those offenders committed. What you'll see is 20 of those crimes are burglaries. It's a common issue that is in the city. And then another about 30 percent or so also involve other property crimes, for example. I should say theft -- armed robbery, grand theft, robbery, dealing in stolen property, theft of motor vehicle. And then we have some other miscellaneous crimes, L&Ps, loitering and prowling, attempted premeditated murder, leaving the scene of an accident involving death and arson. And then if we go over those 40, since the last presentation, which was made in November of 2017, 16 have closed. Four have resulted in convictions; one, in a boot camp -- and I'll explain what the boot camp -- what boot camp is in a slide or two. Four were referred for PTI or deferred prosecution. Two were withhold adjudications. One -- the case was closed, but it's now been reopened because there was a probation violation. And four were nolle pros or no action. Of those four nolle pros and no actions, three of them involved witnesses or victims either not cooperating or failing to appear. One of them involved a drug that is not illegal under Florida law, but is illegal under federal law. Those 16 are closed -- those 16 are technically -- are closed now. Twenty-four are left. Those 24 that we're tracking going forward, 18 of them are set for trial, most of them within this -- actually, I think all of them are in this year. Three of

them have warrant pending and outstanding. Two face competency issues, which I will address in this presentation. And one is not yet set for trial, which I will also present in this presentation. Now, let me -- I'm going to speak to -- about individual offenders. I won't go through all of them because you will be here forever if I spoke about all 40. The first one is Dwanaunne Williams. He was -- his charges are armed burglary and resisting without violence. This defendant did agree to a boot camp. In order to be eligible for boot camp, you have to be either an offender of a young age and you have to have no prior felony convictions. It's a three-phase program lasting a total six years. And the first phase last approximately six months. Here, the offender is in custody with a highly regimented routine. I spoke to the ASA. It's basically wake up at a certain time, a very (INAUDIBLE) schedule for them, and that lasts six months. Then phase two is an additional two years of community control, which is very similar to house arrest. And then finally, phase three, it is probation, and that lasts about three and a half years. What's importance for this is that failure to complete the program subjects the offender to the full potential penalty, which in this case, is PBL, punishable by life. The next offender, Isiah Brown, his charges were burglary and criminal mischief. This is -- of the two incompetency issues, this is one of those offenders. This offender was adjudicated incompetent to proceed. His incompetency was a result of his and his co-conspirators criminal actions. I will speak a little bit more about what incompetency means when it comes to misdemeanor cases in the next -- in a few slides, when I speak about Mr. Aljibari. We have offered to help the State Attorney's Office in any way we can and there is a status update set for July 17, 2018 to the -- regarding Offender Brown. The next one is Mirella Gray. Her charge is burglary of a car at a resident's home. This case is related to the next slide, which is offender David Melendez, who was also an accomplice. We did offer our help for this offender, as we do with all offenders. And she was offered PTI and is now part of the PTI program because she provided statements that were helpful to the prosecution of her co-conspirator, which leads me into David Melendez. His charge is burglary of a car at resident's home. As I said, this case was involved with the previous offender, Ms. Gray. With her cooperation, he was sentenced to two years on February 13, 2018, so that was a successful conviction on the part of the Justice Advocate Program. The next is -- am I going too fast?

Mayor Valdes-Fauli: No, no, no.

Mr. Reyes: Okay, because I kind of rehearsed this 100 times so -- is Terravis Jackson. His charge was burglary and grand theft in the third degree. There isn't much to say here, but he was convicted to 366 days on April 23, 2018. That number is important, 366. It pushes the offenders into the Florida State Prison. Otherwise, if it's under a year, they go to County prison. So, a lot of times, you'll see these -- this very odd number being pushed forward by the State Attorney's Office, and there's a reason for that. The next one is Vaughn Cooper. This has -- this involves three separate cases, but all three cases were resolved in one go. It was -- every case -- I'm not sure why it didn't pop up there, but it's armed robbery, several counts, along with burglary. He pled guilty to all three of pending cases and was sentenced to 25 years in state prison, with a ten-year minimum mandatory. He was also sentenced to five years' probation because he's a habitual violent offender. The one wrinkle, he has filed a motion to withdraw the plea in Miami-Dade courts. I spoke to the ASA about it. He feels strong that it shouldn't be an issue, but just making the Commission aware of that. We have offered any help in the process (INAUDIBLE) this case. He does have pending cases in Broward County as well. He was adjudicated incompetent in Broward County, but he was not adjudicated incompetent here in Miami-Dade. The court did not buy into his argument there, which led to the successful 25-year conviction. Mr. Duran -- Nicolas Alejandro Duran is a loitering and prowling case. He was convicted with credit time served. And again, we helped in any way we could with this one. The Commission was apprised of this offender last time, but I want to just raise it again. I'll just go quickly. I'm not going to read all of it. The reason is -- you'll see in the middle there -- the ASA, once again, praised the City and the City's help in these cases. She was very thankful of our ability to come in and help her in any way she can to prosecute these cases. And it's really -- that's -- I think this case has helped sum up the goal of what we're hoping to do and accomplish between our office, the City and the State Attorney's Office. His trial is set for July 23, 2018. Okay, Mr. Aljibari. This is an interesting case. Mr. Aljibari has had several trespassing ordinance here in the City of Coral Gables. This -- the complication is in his mental health. He has mental health

issues. He has been previously adjudicated incompetent. And when an offender is -- let me pick my words carefully. When an offender is adjudicated incompetent and there's a misdemeanor charge, he is released under his own recognizance. There's a -- there seems to be a loophole and the judge said as much in the process. Unfortunately, these are offenders who have mental health issues who sort of can't get the help they need. We have been trying together, along with Major Atherley and Major Lawrence of the Coral Gables Police Department to try to find a resolution that would help Mr. Aljibari treat his mental health issues, along with protecting the citizens of Coral Gables because, again, he keeps being let on -- into the streets. We have attended Mr. Aljibari's competency hearings, both myself and Israel Reyes, who is the managing partner of the Reyes Law Firm. We have represented the City's positions. We have told the courts how we feel about Mr. Aljibari being released into the streets. But unfortunately, the court's hands are tied. Mr. Montero -- Mr. Jorge Montero -- this was a case of an armed home invasion. It's especially disturbing, this incident. Mr. Montero entered the home and held the victims at gunpoint. The Justice Advocate -- specifically, Israel Reyes has been visiting the victims at his home to try to offer him support, any help -- anything he can do, you know, in this unfortunately very difficult situation that has occurred. Mr. Montero was sentenced in the federal court for a charge under the Hobbs Act, which is similar to robbery. We are waiting -- the State Attorney's Office is waiting extradition to Miami-Dade County so they can then proceed on the case F-17-015832, which is this one. So, he is facing significant prison time.

City Attorney Ramos: And so you know, I personally attended with Mr. Reyes. I went to Mr. Maldonado's home and sat with him and his wife for a couple of hours to talk them through the case because, obviously, they were very concerned. It was a home invasion robbery. They were held at gunpoint. It was a very frightening situation. And they actually were a little bit queasy about going forward and testifying. And it took us a long time to talk them through the process and get them to understand that them proceeding and helping the State with the case means that this man goes to prison for a long time.

Mr. Reyes: And I think -- Madam City Attorney raises the point exactly. This is what the program was intended to do, to help the victims, to help the citizens of Coral Gables through what is often a very difficult and scary process, and that is our criminal justice system. And we offer our help in any way we can, and this is one of those such cases. The next case is one of Mr. Sullenberger -- Simon Sullenberger. This is a battery of a law enforcement officer and resisting with violence. I have -- I do have to commend our Coral Gables Police Department officers in this case. They are the victims in this case. Due to their actions, they prevented a volatile situation with a firearm from further escalating. Nobody was harmed as a result of CGPD's officers' response to this crime. There were -- there was an involved neighbor as well. He was not injured either. The JA -- we became involved very early when the charges were filed, and we ensured that any charges that were filed were agreeable to the victim officers. We met with the state attorney -- we met with the assistant state attorneys at the State Attorney's Office, along with the officers. We were -- together, with the State Attorney's Office, we were able to obtain stay away orders for the victim officers. And as with all Justice Advocate cases, we have offered continued assistance in this matter. In fact, as -- yesterday, they had a meeting at our office, the State Attorney's Office and the criminal defendant's attorney and our -- and with Justice Advocate. It was held at our office. It's a neutral location for everybody to try to resolve this case. That's set for trial for June 18, 2018. Okay, and those were all the offenders. I just have to quickly go through a couple more slides and I'll be open for questions. Regarding ordinance violence prosecutions -- violation prosecutions, at the direction of the City Attorney, we are now reviewing no action memorandums from the State Attorney's Office in order to identify cases that are appropriate for prosecution by the City Prosecutor and to identify any issues that may be addressed from a legal perspective for training purposes. We haven't had too many no prosecutions since the last one, which is a good thing. And as I showed, most of them were because of the victim involvement, which I will speak about now. The City cannot be 100 percent effective on its own. Though (sic) the Justice Advocate Program, we have been able to identify numerous instances in which subjects have been apprehended, often caught red-handed, and prosecutions are derailed by residents in the community who refuse to cooperate. It's understandable, of course, a scary process. But we try our best that we can to try to effectuate

justice by helping these victims out. This has the decidedly undesirable effect of encouraging the commission of a crime in Coral Gables. Criminals become emboldened by the knowledge that they can commit crimes against the citizenry and they will often not face any consequences because the public refuses to cooperate. In closing, I just want to reiterate the benefits of this program, and thanking the City for allowing us to continue with the program. First is the ability to attend first appearance bond hearings. As you saw, we can sometimes ask for stay away orders. Sometimes, we can ask for increased bond. We can keep somebody from going out into the street. That's very important. That will help keep the citizens of Coral Gables safe. Communications between the State Attorney's Office and CGPD. Oftentimes, they may need extra evidence. They may need to procure the witnesses. We are there to help in any way we can. Sometimes, we need -- they need a midway point that's not on City property for whatever reason. Our offices are available. We do that. We offer legal research. If it's a novel situation, a novel case that comes up, we are happy to research. We're happy to help the State Attorney's Office in any way we can to effectuate justice. As we discussed, the court stay away orders, these can be against -- for businesses themselves or specific locations, or for persons, as we saw with the two victim officers. And finally -- I'm sorry, second to last, attending the depositions of officers when a member of the State Attorney's Office is unavailable. And finally, which is probably the bulk of the work, which is advocating for more appropriate plea offers or sentences. Thank you again for affording me the opportunity to present here before you today. Are there any questions that I can help answer?

Mayor Valdes-Fauli: Thank you.

City Attorney Ramos: You should know we're super involved with all of this, especially with the plea offer process. The State will not plea out a case -- a Justice Advocate case without asking the City for approval, so that's a really important piece of this and it's been very, very...

Mayor Valdes-Fauli: Very good.

City Attorney Ramos: Effective. Thank you, Chris.

Mayor Valdes-Fauli: Thank you very much.

Mr. Reyes: Thank you.

Mayor Valdes-Fauli: Great job.

Commissioner Lago: Very thorough.

Commissioner Keon: Thank you.