

City of Coral Gables City Commission Meeting
Agenda Item I-1
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Manny Guarch

Agenda Items I-1 [3:46:35 p.m.]

Justice Advocate Presentation

Mayor Cason: Moving smartly onto I-1.

City Attorney Leen: Mr. Mayor Item I-1 is the Justice Advocate Presentation, we have Manny Guarch here. He's going to keep this brief, but we have a couple of cases that have come up that have turned out very well for the Justice Advocate Program, so we are trying to do quarterly reports. So here he is.

Mr. Guarch: Good afternoon, Mr. Reyes sends his regards, he was appointed Special Magistrate, so he wanted to apologize for not being able to be here. Very briefly, I will keep it brief. Andrew Gibson, one of the offenders was sentenced to ten years in state prison; it was burglary, theft and

criminal mischief. He was a violent career criminal. His co-defendant was also convicted and sentenced to prison.

City Attorney Leen: Does everybody have – you have the PowerPoint in your packets.

City Manager Swanson-Rivenbark: Did you give it to us? - then we'll ask CGTV to load the PowerPoint relevant to this item, which is...

City Attorney Leen: I-1.

Mayor Cason: I-1.

City Manager Swanson-Rivenbark: I-1 the Justice Advocate Presentation, I think they are still getting over the Mayor's comments about going to bat for our residents. They'll catch up to you as a part of the presentation, if CGTV is watching we are going to – Mike didn't you get it? - OK, we'll follow.

City Attorney Leen: I apologize.

Mayor Cason: Just verbally tell us.

City Attorney Leen: He's just going to tell you – one thing I'd like you to talk about Manny is, earlier today we had an Officer of the Month where he took great heroic actions, but I think you actually had that case.

Mr. Guarch: That's correct, Cedrick Gray. It was an armed burglary, robbery, kidnapping, two different incidents; I believe you know the background. I communicated with the assigned ASA (Assistant State Attorney), that case has been assigned to the career criminal unit. That defendant is a violent career criminal and a habitual felony offender, those are I often use terms that I don't define, those are enhancements, the designations under Florida Statute for people who have committed certain crimes either in the course of their criminal history or committed certain violent felony offenses within three years, five years of being released from prison for a previous similar offense. This individual qualifies as that and at this point the state is seeking life imprisonment. Rafael Lastras was sentenced to five years in state prison; he was a habitual felony offender; three counts of burglary, two vehicles, and one residential burglary. That's another Justice Advocate case that's closed. I informed you about Ms. Menendez. So basically the last thing I'd like to discuss briefly is that the Clerk of the Court for Miami-Dade County has instituted a new pilot program. I believe an e-mail was sent regarding this at our initiation, if you will. When we first started the Justice Advocate Program, we attempted to file notices of

interested parties requesting that we be given notice of all significant events, docketed events, in the criminal cases. Unfortunately, at that point the system wasn't set up to recognize that there was a party other than the state and the defense, so notices weren't going out, which resulted in us having to check the docket on regular intervals to see what's going on in the cases. Now a pilot program has been initiated by the Clerk of the Court that will allow anyone, including us, to go online add to their queue any case that they are interested in and they will receive automatic e-mail notifications of docketed events. That's not been released yet, but Mr. Reyes was given a, I guess, a beta test, if you will, a demonstration and when its released the Clerk of the Court has agreed to come to the Commission, and demonstrate it for you and of course we'll provide you with a link. One issue I would note, in the Cedrick Gray case, and I'd be remiss if I didn't mention it, is the victim advocate was specifically mentioned and thanked, and was requested that the victim advocate continue to do her job or to assist in transporting the elderly victim in that case to depositions and to court hearings when necessary, and that was specifically mentioned by the prosecutor on that case.

City Attorney Leen: Could you also talk briefly about, there were a number of car burglaries that occurred, remember?

Mr. Guarch: So, I'll discuss – there were three, two of them were juveniles, so I won't discuss the specifics.

City Attorney Leen: Understand.

Mr. Guarch: But the adult offender, Brian Reyes, his case, let me just make sure...

City Attorney Leen: While you are looking at that, one question the Mayor had and I believe the whole Commission, I know the Mayor asked this was, did each of the victims did they help, were they able to help the prosecution and was that facilitated?

Mr. Guarch: Yes, we didn't have any problems with victims in those cases, in any of those cases. The only issue in the adult offender's cases, one of the cases was dismissed and it had nothing to do with victims or even the police, unfortunately, there just wasn't sufficient evidence. In that case, the only evidence connecting the adult offender to the crime was his own statement. However, he couldn't actually cooperate that he couldn't identify the vehicle he burglarized and there was no physical evidence or eye witness testimony or video connecting him to that. So there is a rule that basically requires we present more than an admission.

Mayor Cason: But you got him on some other cases.

City Attorney Leen: But there were other cases.

Mr. Guarch: Yes, there are other cases.

City Attorney Leen: And once this is all said and done we can always issue a \$15,000 fine to him for that case, because under civil rules an admission alone is sufficient to convict someone.

Mayor Cason: And you have made available some offices for future cases where victims don't have to go into court, they can give a deposition close by.

Mr. Guarch: Yes, in fact our office. We have multiple conference rooms right there on 37th and Alhambra, we specifically extended that offer in the same case as Cedrick Gray's case, because one of the victims in that case, there were two separate sort of incidences that were connected, but one of the victims is elderly, and it was our opinion that the best thing for him would be to be deposed in our office if the state was amenable and they appreciated that.

Mayor Cason: Super, that's great.

City Attorney Leen: So just to conclude. The City Prosecutor, Miriam, is now following many of these cases through the Justice Advocate, in conjunction with Director Fernandez and Chief Hudak. So it's a team effort and we are on top of all the cases.

Mayor Cason: Are we still the only municipality doing this in Florida?

City Attorney Leen: That I have ever heard of.

Mayor Cason: Great.

City Attorney Leen: But we have a lot of good results, so I think it's another tool in the tool box, and we will be giving you these reports quarterly.

Mayor Cason: Super. Thank you.

Mr. Guarch: Thank you.

[End: 3:53:40 p.m.]