

OFFICE OF STATEWIDE PROSECUTION 2004 ANNUAL REPORT



Submitted by Peter Williams, Statewide Prosecutor

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Charlie Crist
Attorney General



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This Annual Report for the Office of Statewide Prosecution is being filed pursuant to Section 16.5 (2), Florida Statutes, and contains a summary of the activities of the Office for 2004 as well as the goals and objectives for 2005.

EXECUTIVE SUMMARY OF THE OFFICE'S ACTIVITIES

In Fiscal Year 2003-2004, the Office of Statewide Prosecution handled a total volume of 1,038 complex criminal investigations and prosecutions, including 596 filed cases, and worked in conjunction with 94 law enforcement agencies and numerous State and Federal Task Forces. The overall conviction rate was 91%. The financial benefit to the citizens of the State of Florida in the form of assessed fines, penalties, and ordered restitution amounted to over \$25 million, which greatly exceeded the total operating budget of the Office of Statewide Prosecution.

MISSION OF THE OFFICE

The Office of Statewide Prosecution was created by constitutional amendment passed by Florida voters in 1986. Article IV, Section 4 of the Florida Constitution, together with Section 16.56(2), Florida Statutes, sets forth the jurisdiction and authority of the Office. The Office was created because organized criminal activity does not respect the geographic boundaries imposed by judicial circuit lines.

Attorney General Charlie Crist appointed Peter Williams as the Statewide Prosecutor on January 7, 2003. Prior to his appointment, he served as Director of Alcoholic Beverages and Tobacco and Inspector General for the Department of Business and Professional Regulation. From 1989 to 1998, Williams served as an Assistant State Attorney for the 1st Judicial Circuit in Pensacola. From 1998 to 2000, he also served as an Assistant Attorney General responsible for antitrust enforcement. He received a Bachelor of Arts in Economics from Yale University in 1974, his Masters in Business Administration from Stanford University in 1977, and his law degree from the University of Florida in 1986. He is a member of the Florida Bar, the State Bar of California, and the Alabama State Bar.

The mission of the Office is to investigate and prosecute multi-circuit organized crime and to assist other law enforcement officials in their efforts against organized crimes. The Office utilizes a team approach with law enforcement in attacking multi-offender, multi-offense, and multi-jurisdictional criminal cases.

The priorities of the Office are: (1) health care fraud; (2) white collar crimes (including identity theft, government contract fraud, insurance fraud, telemarketing fraud, securities fraud, and fraud against the elderly); (3) computer crimes (including identity theft, fraud, intrusions, and child pornography); and (4) violent offenses (including narcotics trafficking and money laundering) perpetrated by organized groups. These charges can include: Bribery, Burglary, Usury, Extortion, Gambling, Kidnaping, Theft, Murder, Prostitution, Perjury, Robbery, Home-Invasion Robbery, Car-Jacking, Narcotics Violations, Antitrust Violations, Anti-Fencing Violations, Crimes Involving Fraud and Deceit, Computer Crimes, Computer-based Child Pornography and Child Exploitation, and Attempts, Solicitations, or Conspiracies to commit these offenses. The goal of the Office is to dismantle criminal organizations through effective prosecution and civil, administrative, and regulatory sanctions when appropriate.

Under Section 16.56, Florida Statutes, the Office's jurisdiction to investigate and prosecute cases is limited to certain enumerated crimes as well as Racketeering (RICO) offenses, and is also limited to crimes committed in more than one judicial circuit. The Office may likewise proceed where the enumerated crimes are committed within one judicial circuit by members of an organized conspiracy affecting more than one judicial circuit, in furtherance of their common scheme or plan.

Additionally, the Statewide Prosecutor serves as legal advisor to the Statewide Grand Jury as provided for in Section 905.31, et seq., Florida Statutes. The Statewide Grand Jury is charged with detecting and eliminating organized criminal activity in matters which transpire or have significance in more than one county. The Statewide Grand Jury is likewise limited to an enumerated list of criminal offenses contained in Section 905.34, Florida Statutes.

Pursuant to Section 16.56 (2), Florida Statutes, this report is submitted to the Governor and Attorney General of the State of Florida.

INVESTIGATIONS, PROSECUTIONS, AND LEGISLATION

A. CASELOAD STATISTICS (Consistent with the Long Range Planning Report and the Legislative Budget Request, the following caseload data is reported on a fiscal year basis.)

The active caseload of the Office includes: (1) Cases filed in Fiscal Year 2003-2004; (2) Cases filed in prior years which remained in litigation during Fiscal Year 2003-2004; (3) Long-term complex criminal investigations; and (4) Statewide Grand Jury activities.

1. CASES FILED IN FISCAL YEAR 2003-2004

The Office filed 3,320 criminal charges against 514 defendants in 431 complex, multi-circuit cases.

The criminal charges filed by the Office are among the most serious felonies prohibited by law. They are often joined together in Racketeering (RICO) informations or indictments.

2. The Office handled a total inventory of 598 filed cases (inclusive of those described above). The cases were litigated in 33 counties: Alachua; Bay; Brevard; Broward; Charlotte; Clay; Collier; Columbia; Dade; Duval; Escambia; Glades; Hardee; Hernando; Hillsborough; Lake; Lee; Leon; Manatee; Marion; Martin; Orange; Osceola; Palm Beach; Pasco; Pinellas; Polk; Putnam; Sarasota, Seminole; St. Johns; Taylor; and Volusia.

3. ACTIVE INVESTIGATIONS PENDING IN FISCAL YEAR 2003-2004

The caseload of the Office includes legal and operational assistance to law enforcement officers in major criminal investigations and task force operations. The Office received 497 new requests from law enforcement to assist in their investigations of multi-circuit organized criminal activity. The total inventory of active investigations was 1,038. The investigations were conducted by, or in coordination with, 94 law enforcement or regulatory agencies, and numerous State and Federal Task Forces. Assistance includes the preparation of search warrants and authorizations to conduct wiretaps.

4. CASES DISPOSED OF IN FISCAL YEAR 2003-2004

Of the defendants reaching disposition, 91% were convicted through either jury trials or guilty pleas. Collectively, the sentences obtained in these cases were as follows:

Prison Terms:	1,668 Years
Jail Time:	17,562 Days
Probation Terms:	1,741 Years
Community Control:	48 Years
Community Service Hours:	3,111
Number of Victims:	546 (including 19 government agencies)
Restitution Ordered for Victims:	\$12,018,579
Fines Imposed:	\$9,566,953
Court Costs Imposed:	\$ 149,137
Costs of Prosecution Assessed:	\$1,120,626
Costs of Investigation Assessed:	\$2,290,727
Total Monetary Assessments:	\$25,146,022

B. STATEWIDE GRAND JURY ACTIVITIES

In December 2003, the Seventeenth Statewide Grand Jury issued its second and final report entitled "Recipient Fraud in Florida's Medicaid Program." Pursuant to its findings of rampant fraud and corruption in Florida's Medicaid Program, the Grand Jury made a list of recommendations to the Florida Legislature. Through the leadership of Attorney General

Charlie Crist, Senator Burt Saunders, and Representative Gus Bilirakis, the legislature responded in the 2004 legislative session by passing the bulk of the Statewide Grand Jury's recommendations in SB 1064. The legislative highlights include: Criminalizing the sale or purchase of Medicaid drugs by recipients; Criminalizing the trafficking in goods or services paid for by Medicaid, enhancing it to a 1st degree felony if over \$100,000; Authorizing the Agency for Health Care Administration (ACHA) to require second opinions; Authorizing AHCA to deny eligibility to recipients that defraud Medicaid; and Authorizing Medicaid to deny reimbursement to non-Medicaid doctors, with certain exceptions. The 17th Statewide Grand Jury reports can be found at <http://www.myfloridalegal.com>.

C. Health Care Fraud

In January 2003, the "Stone Cold Task Force" was formed. It is comprised of the Office of Statewide Prosecution, Florida Department of Law Enforcement, Metro-Dade Police Department, Medicaid Fraud Control Unit of the OAG, Federal Drug Administration, and the Department of Health. In 2004, this task force seized or assisted in the seizure of \$930,000 in cash and \$4.1 million in adulterated and diverted pharmaceuticals. Many of the investigations from 2003 matured into the arrests and prosecutions of numerous individuals in 2004. Many more drug diversion prosecutions are anticipated in 2005.

The Office also assists the Medicaid Fraud Control Unit of the Office of Attorney General in the investigation and prosecution of Medicaid fraud cases. The Office currently has a number of active Medicaid fraud investigations and filed cases, and it is anticipated the number of these cases will also increase significantly in 2005.

D. Identity Theft

In 1998, the Office drafted and pursued the sponsorship and passing of legislation to criminalize the act of identity theft in Florida. As a result, Section 817.568, Florida Statutes, became law on July 1, 1999. Section 817.568 criminalizes the use of another person's personal identifying information as defined in the statute. The recent Sixteenth Statewide Grand Jury focused on identity theft and issued two interim reports and a final report addressing identity theft and related issues. Many of the recommendations were adopted into law by the Florida Legislature. This Office has remained active in revising or proposing further enhancements to Florida's identity theft statutes.

Last year, the Office handled a total of 127 identity fraud cases with 65 defendants being sentenced to a total of 134 years in prison, more than 12 years in county jail, and 266 years probation with over \$1,296,198 in criminal financial damages. Identity theft is the fastest growing crime in Florida and the United States, and the number of such cases accepted by this Office grew substantially in 2004. They are expected to continue to grow in 2005.

In October 2003, Attorney General Crist also created new online information on the Office of Attorney General website in order to help victims of identity theft and to provide information on how to avoid becoming a victim of identity theft. This information can be found under the "ID Theft Resource and Response Center;" which can be obtained at <http://myfloridalegal.com/identitytheft>. Since September 2002, there have been 2,685 identity

crime related complaints received from the general public. Many of these were received by Attorney General Crist's new "866-9-No-Scam" hotline designed to detect and prosecute fraud.

In 2002, by virtue of a Federal Victims of Crime Act (VOCA) grant, the Office created a victims advocate position dedicated solely to victims of ID Theft. The victims of ID Theft are often left as emotionally devastated as are victims of violent crime, and it often requires hundreds of hours to rebuild their financial reputations. This was believed to be the first such ID Theft victims advocate in Florida, and in FY 2003-2004, the Office employed two such dedicated ID Theft victims advocates in our Orlando office. These two victims advocates, together with several criminal financial analysts, have assisted many of the victims referenced above in organizing their case histories, having their cases presented to law enforcement, and taking the necessary steps to regain their credit histories.

In Fiscal Year 2003-2004, the Office provided sixteen presentations on Identity Theft and Cyber Crimes, six of which were a collaboration with the Florida Department of Law Enforcement. These training sessions to law enforcement personnel, prosecutors, and financial institution auditors and investigators provided steps to assist in the investigation, prosecution, and victims assistance stages of an ID Theft/Cyber Crime case. Presentations were also provided to victim service providers.

E. Computer Crimes

The Office has handled an array of computer crime cases. Among these are several large scale network intrusion (hacking) cases, distribution of child pornography, online solicitation of minors for sexual purposes, communications fraud, internet fraud, and intellectual property crimes. Prosecutors with the Office often assist other law enforcement agencies and prosecutors on computer related investigations and prosecutions. In Fiscal Year 2003-2004, the Office provided numerous training sessions to law enforcement personnel and prosecutors on how to investigate and prosecute computer-related and technology-assisted crimes. Through a grant from Florida's Department of Children & Families, the Florida Department of Law Enforcement sponsored a week-long training session for officers from twenty-five North Florida law enforcement agencies concerning the effective investigation, prosecution, intervention, and prevention of computer-facilitated crimes against children. The Office of Statewide Prosecution actively participated in the seminar and training.

The Office has also partnered with NetSmartz, the Boys and Girls Clubs, and the Florida Board of Education to create and implement a curriculum for children and a program for parents to help keep children safe on the internet. A NetSmartz link is included on the Attorney General's webpage, <http://www.myfloridalegal.com>.

Representatives from the Office participate with the Secret Service's Miami Electronic Crimes Task force and South Florida's Law Enforcement Against Child Harm Task Force (LEACH), and network with the North Florida Internet Crimes Against Children Task Force and Tallahassee's InfraGard organization.

TRAINING AND PROFESSIONAL DEVELOPMENT

A. Assistant Statewide Prosecutors and Financial Analysts remain available to provide training to law enforcement officers. Members of the Office provided numerous law enforcement training presentations throughout the State in calendar year 2004.

B. The Office is engaged in proactive work with a number of Task Forces around the State. The more significant of such activities include:

1. Anti-Terrorist Task Forces

The Office continues to participate in a multi-agency anti-terrorist task force which was created after September 11, 2002.

2. Prescription Drug Task Forces

The "Stone Cold Task Force" was created to study prescription drug diversion and fraud. Their work formed the basis for the Seventeenth Statewide Grand Jury's two reports in 2003 as well as the arrests of six individuals in 2004. This task force is working with State and Federal agencies and has resulted in numerous arrests. The Office also continues to participate in a task force formed by the Governor's Office of Drug Control to study prescription drug diversion.

3. Cargo Theft Task Forces

The Office is actively working with other law enforcement agencies in the state dealing with the thefts of cargo containers and haulers, which have adverse economic consequences as well as possible terrorism possibilities. This includes the South Florida TOMCATS Cargo Theft Task Force and the Cargo Theft Task Force out of the Marion County Sheriff's Office.

4. Drug Trafficking Task Forces

The Office has actively participated in numerous drug interdiction task forces around the state. They include the Miami Regional Violent Crime and Drug Control Council.

5. Operation LEGIT (Law Enforcement Getting Identity Thieves)

This joint task force between the Office of Statewide Prosecution, the Florida Department of Law Enforcement, and the Florida Highway Patrol was formed to attack the rapidly growing number of identity theft crimes.

6. Child Exploitation Task Forces

The Office actively participates with child exploitation task forces in an attempt to curb the exploitation of children and distribution or manufacture of child pornography. In 2004, the Office reached out to the Secret Services's Miami Electronic Crimes Task Force and the South Florida's Law Enforcement Against Child Harm Task Force. Members were also active in the North Florida Internet Crimes Against Children Task Force.

7. Fraudulent Check Task Forces

These include the Secret Service Fraudulent Check Task Force as well as the

Pinellas/Hillsborough Counties Bad Check Task Force.

C. In 2004, 20 prosecutors were cross-designated to work cooperatively with State Attorneys and United States Attorneys in white-collar crime and drug trafficking cases.

D. The Statewide Prosecutor served as Attorney General Crist's representative on the Violent Crime and Drug Control Council and the Governor's Drug Policy Advisory Council.

E. The Office was a member of the following criminal justice associations in 2004:

- Association of Certified Fraud Examiners
- Big Bend Law Enforcement Association
- Central Florida Fraud & Forgery Unit
- Central Florida Intelligence Unit
- Division of Insurance Fraud/Special Investigation Unit
- Florida Association of Computer Crime Investigators
- Florida Gang Investigators Association
- Florida Intelligence Units
- Florida Prosecuting Attorneys Association
- Florida Sheriffs Association
- INFRAGARD
- League of Prosecutors
- National Association of Attorneys General
- National White Collar Crime Center
- North Florida ICAC (Internet Crimes Against Children)
- Prescription Drug Task Force
- Statewide Violent Crime and Drug Control Council
- Suncoast Analysts
- Volusia County Bureau of Investigation

F. Attorneys from the Office have lectured at State and legal conferences. Several prosecutors are listed as subject matter experts by the Florida Prosecuting Attorneys Association.

G. Other achievements by the Office of Statewide Prosecution Staff include:

The Office's attorneys are admitted to practice in all State and Federal courts in Florida, as well as the state courts of Alabama, California, District of Columbia, Idaho, Maryland, Massachusetts, Missouri, New York, Texas and Wisconsin. Seven attorneys from the Office are Florida board certified in criminal law, seventeen attorneys are "AV" or "BV" rated by Martindale-Hubbell, and several attorneys have published in Bar journals and other legal and law enforcement-related publications.

Four attorneys serve on Florida Bar Committees. One attorney serves on the Florida Prosecuting Attorneys' Association (FPAA) education committee and three attorneys have received distinguished service awards from the FPAA.

One attorney, Michael J. Scionti, served in a military reserve unit called to active duty in 2003 and 2004, to assist with Operation Iraqi Freedom. Members of the Office volunteer their time to community projects, criminal justice oriented civic work, and pro bono legal assistance, as well as serve as mentors to young children in Florida schools. The Statewide Prosecutor coaches Leon High School's Mock Trial Team in Tallahassee, under the Florida Mock Trial Program sponsored by the Florida Law Related Education Association.

ADMINISTRATION

The Office of Statewide Prosecution operates through eight offices located in Tallahassee, Jacksonville, Orlando, Tampa, Ft. Myers, West Palm Beach, Ft. Lauderdale and Miami. Most of these Offices are housed with the Offices of the Attorney General Charlie Crist. In Fiscal Year 2003-2004, the Office had 66 positions. The Office is currently staffed with 71 positions including 43 attorneys, 6 criminal financial analysts, 2 victim advocates and 20 paralegals, administrative assistants, and executive secretaries. The Fiscal Year 2004-2005 budget is \$5.6 million. The Office also receives an appropriation from the State Courts in the amount of \$158,000 to fund the investigations, operations, and case-related work of the Statewide Grand Jury. Grand Jury fees are also paid from this fund. This appropriation has remained constant since 1991.

Under Article IV, Section IV of the Florida Constitution, the Office of Statewide Prosecution was created in the Office of Attorney General. Accordingly, the Office follows the administrative policies and procedures of the Office of Attorney General. These policies and procedures are supplemented, when necessary, to address issues related to the prosecution of criminal cases.

In Fiscal Year 2003-2004, the prosecutors and financial analysts recorded a total of 3,386 overtime hours. These employees are not compensated for this extra work due to their Select Exempt Employee status.

Below is a list of the Assistant Statewide Prosecutors assigned to each office as of March 1, 2005. All Office Chiefs report directly to the Statewide Prosecutor.

Tallahassee	Jacksonville	Orlando	Tampa	Ft. Myers	Ft. Lauderdale	Miami	West Palm Beach
Ronald Lee Office Chief	Luis Bustamante Office Chief	Richard Bogle Office Chief	John Roman Office Chief	George Richards Office Chief	Lisa Porter Office Chief	Jodie Breece Office Chief	Michael Rachel Office Chief
Steve White	Maureen Horkan	Nohemy Baltodano	Chris Brown	Jessica Horowitz	Jim Cobb, Assistant Chief	Julie Stone	Ann Marie Smith
	Shannon MacGillis	Trakina Graham	Mark Campbell		Matthew Destry		William Shepherd
		Heather Lee	Shannon Kennedy		Oscar Gelpi, Special Counsel		
		Anne Wedge-McMillen	Cathy Mckyton		Kathleen George		
		Jim Schneider General Counsel	Thomas Smith		Julie Hogan		
					Margery Lexa		

Below is a list of support staff assigned to each office as of March 1, 2005.

Tallahassee	Jacksonville	Orlando	Tampa	Ft. Myers	Ft. Lauderdale	Miami	West Palm Beach
Jacqueline Perkins-McDaniel, OMC Manager	Clifford Earp, Criminal Financial Analyst	Angel Taylor, Criminal Financial Analyst	Delores Funes, Criminal Financial Analyst	Rebecca Tyrrell, Criminal Financial Analyst	Barbara Goodson, Criminal Financial Analyst	Jennifer Hernandez, OPS Secretary	Nicole Ferrando, Executive Secretary
Libby Lastinger, Sr. Executive Assistant	Cathy Costley, Sr. Executive Secretary	Theresa Adlam, Victims Advocate	Virginia Caswell, Admin. Assistant	Dawn Andrews, Executive Secretary	Thelma Alvarado, Research Associate		
Lula Weston, Sr. Executive Secretary		Lynn Henry, Victims Advocate	Omayra Kohler, Executive Secretary		Noemi Hernandez, Admin. Assistant		
		Amy Romero, Admin. Assistant	Amanda Knox, Executive Secretary		Rhonda Greene, Executive Secretary		
		Jessica Watkins, Executive Secretary	Nataya Birdson, OPS Secretary		Rimma Romashova, Executive Secretary		
		Julie Bressin, Executive Secretary			Omarelis Jimenez, Executive Secretary		
		Shirley Moton, Executive Secretary					

GOALS AND OBJECTIVES FOR 2005

The overall goal of the Office of Statewide Prosecution is to continue to make a significant impact on organized criminal organizations in the State of Florida. In 2005, the Office will continue to focus our resources on multi-defendant, multi-circuit cases and the number of jury trials are expected to continue to increase, as they did during 2004. Particular emphasis will be placed on investigating and prosecuting health care fraud, identity theft, other large scale fraud perpetrated on the citizens of Florida or on government agencies, child pornography, and drug trafficking.

Each attorney will continue to be proactive in their attempts to expedite investigations and filed cases. Increased emphasis will be placed on making the appropriate initial charging decisions, particularly in racketeering (RICO) and aggravated white collar crime cases.

The Office can best accomplish this mission through cooperation and partnership with local law enforcement agencies, as well as Florida's twenty elected State Attorneys, and three appointed United States Attorneys. Efforts to achieve a high level of communication and cooperation between this Office and other State and Federal prosecuting offices will continue in order to insure that investigative and prosecution efforts by this Office complement the work being done by the State Attorneys and United States Attorneys.

The Office and its attorneys will remain available to any law enforcement agency that needs assistance in investigating or prosecuting criminal activity, provided the activity falls within the Office's jurisdiction. When appropriate, and requested to do so by Attorney General Charlie Crist, the Office will also assist in shaping criminal justice policy and legislation.

As a separate budget entity within the Office of Attorney General, this Office will follow the policies and procedures of the Office of Attorney General Charlie Crist. Internal controls necessary to monitor and audit expenditures, office equipment, employee timekeeping, and other administrative or legal requirements will continue to be evaluated and upgraded, if necessary. Office personnel will respond promptly to requests for public records, while insuring that any confidential information is protected. The Office of Statewide Prosecution will continue to achieve the goals and objectives as stated in the Long Range Program Plan.

Peter Williams
Statewide Prosecutor

March 1, 2005