

# OFFICE OF STATEWIDE PROSECUTION 2005 ANNUAL REPORT



Submitted by Peter Williams, Statewide Prosecutor

March 1, 2006

Charlie Crist  
Attorney General



Peter Williams  
Statewide Prosecutor

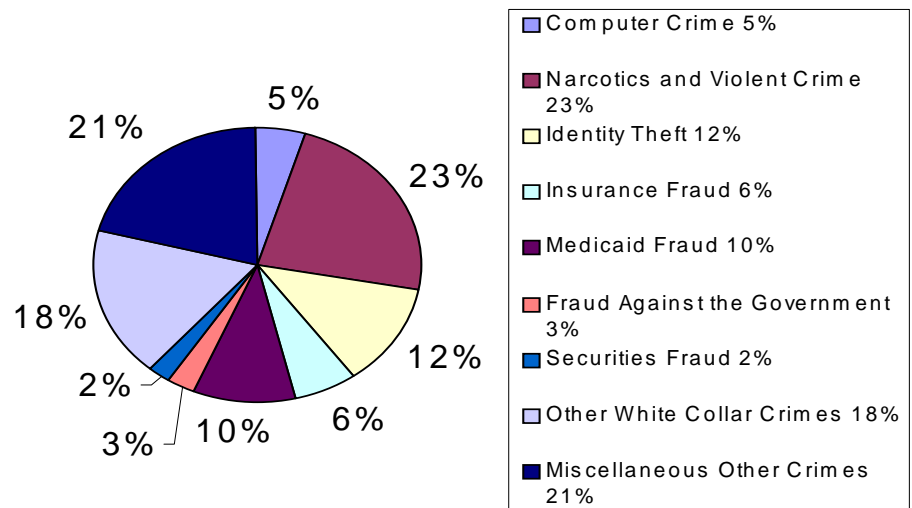
## OFFICE OF STATEWIDE PROSECUTION 2005 ANNUAL REPORT

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 2005 as well as the goals and objectives for 2006.

### EXECUTIVE SUMMARY OF THE OFFICE'S ACTIVITIES

In Fiscal Year 2004-2005, the Office of Statewide Prosecution handled a total volume of 1123 complex criminal investigations and prosecutions, including 606 filed cases, and worked in conjunction with 80 law enforcement agencies and numerous state and federal task forces. The overall conviction rate was 95.8%. The financial benefit to the citizens of the State of Florida in the form of assessed fines, penalties, and ordered restitution amounted to over \$17 million, which greatly exceeded the \$5.6 million general revenue operating budget of the Office of Statewide Prosecution.

### SUMMARY OF ACTIVE CASES



## 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 1<sup>st</sup> 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, his Masters in Business Administration from Stanford University, 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, crimes against children, 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 one or more judicial circuits. 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 AND PROSECUTIONS**

### **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 2004-2005; 2) Cases filed in prior years which remained in litigation during Fiscal Year 2004-2005; 3) Long-term complex criminal investigations; and 4) Statewide Grand Jury activities.

#### **1. CASES FILED IN FISCAL YEAR 2004-2005**

1. The Office filed 2,481 criminal charges against 514 defendants in 480 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. ACTIVE CASES FILED IN PRIOR YEARS**

1. The Office handled a total inventory of 606 filed cases (inclusive of those described above). The cases were litigated in 35 counties: Alachua; Brevard; Broward; Charlotte; Citrus; Clay; Collier; Columbia; Dade; Dixie; Duval; Flagler; Hardee; Hendry; Hernando; Hillsborough; Lake; Lee; Leon; Manatee; Marion; Martin; Orange; Osceola; Palm Beach; Pasco; Pinellas; Polk; Putnam; Sarasota, Seminole; St. Johns; Suwannee; Taylor; and Volusia.

#### **3. ACTIVE INVESTIGATIONS PENDING IN FISCAL YEAR 2004-2005**

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 509 new requests from law enforcement to assist in their investigations of multi-circuit organized criminal activity. The total inventory of active investigations was 739. The investigations were conducted by, or in coordination with, 80 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 2004-2005**

Of the defendants reaching disposition, 95.8% were convicted through either jury trials or guilty pleas. Collectively, the sentences obtained in these cases were as follows:

Prison Terms:	1,144 Years
Jail Time:	12,381 Days
Probation Terms:	1,269 Years
Community Control:	31 Years
Community Service Hours:	6,090
Number of Victims:	482 (including 46 government agencies)
Restitution Ordered for Victims:	\$11,252,970
Fines Imposed:	\$ 3,822,928
Court Costs Imposed:	\$ 88,542
Costs of Prosecution Assessed:	\$ 775,890
Costs of Investigation Assessed:	\$ 1,370,969
Total Monetary Assessments:	\$17,311,299

## B. STATEWIDE GRAND JURY ACTIVITIES

Pursuant to Section 905.33, Florida Statutes, whenever the Governor of Florida deems it to be in the public interest to impanel a statewide grand jury, he or she may petition the Florida Supreme Court for such an order. The Statewide Prosecutor serves as legal advisor to all statewide grand juries, under Section 16.56, Florida Statutes. The most recent statewide grand jury was the Seventeenth Statewide Grand Jury, which was empaneled from February 2003 to July 2004, and dealt with the growing problem of prescription drug diversion and adulteration. Drug diversion refers to the manner in which legal prescription or legend drugs are diverted into illegal distribution, and adulteration includes such prohibited acts as diluting, counterfeiting, or failing to maintain proper storage conditions.

The Seventeenth Statewide Grand Jury produced two reports. The first interim report in February of 2003 dealt with then existing prescription drug regulations, and recommended sweeping changes to protect Florida consumers from unscrupulous drug wholesalers and adulterated or unsafe drugs. As a result, the Office drafted legislation known as the “Prescription Drug Protection Act.” Under Attorney General Charlie Crist’s leadership, and with the help of many supporters in the Florida Legislature, this bill became law in July 2003, giving Florida the most comprehensive “pedigree paper” law in the nation. In July 2006, all prescription drugs sold in Florida by a drug wholesaler must be accompanied by a pedigree paper, which verifies the source of that drug. California and a number of other states subsequently enacted similar provisions due to increasing concern over the safety of the prescription drugs.

The second interim report, entitled “Recipient Fraud in Florida’s Medicaid Program,” made a number of recommendations to the Legislature designed to deter, prevent, and prosecute Medicaid fraud. Again, the Legislature responded by enacting a number of the Statewide Grand Jury’s recommendations, such as criminalizing the sale or purchase of Medicaid drugs by recipients, criminalizing the trafficking in goods or services paid for by Medicaid, authorizing the Agency for Health care Administration (AHCA) to require second opinions, authorizing AHCA to deny eligibility to recipients who defraud Medicaid, and authorizing Medicaid to deny reimbursements to non-Medicaid doctors, with certain exceptions. The Seventeenth Statewide Grand Jury reports can be found at <http://www.myfloridalegal.com>.

Although there were no statewide grand jury activities in 2005, the work of the Seventeenth Statewide Grand Jury continued. In addition to the 19 individuals indicted for crimes associated with prescription drugs, the Office continues to investigate and prosecute such criminal violations through the efforts of the “Stone Cold Task Force.” Please see Section F below entitled “Narcotics Trafficking” for more information on this task force.

### C. HEALTH CARE FRAUD

The investigation and prosecution of those who commit health care remains a priority for the Office of Statewide Prosecution. This includes cases involving fraud against the Medicaid program as well as other types of health care fraud. The Office works closely with the Medicaid Fraud Control Unit in support of Attorney General Charlie Crist’s efforts to stem the losses in the program due to fraud.

Medicaid fraud presents a particular threat to the citizens of Florida due to the rapidly escalating costs of the Medicaid program. In FY 2004-05, Florida spent approximately \$15 billion on Medicaid, and this represented approximately 25 % of the State’s total general revenue expenditures. (It should be noted that since Florida’s share of the program is only 41%, and the federal share of Medicaid expenditures is 59%, the true annual cost to the people of Florida is significantly higher than \$15 billion.) Furthermore, the annual growth in Medicaid expense is so large that it continues to require an increasing share of Florida’s annual budget. Therefore, the combined efforts to prosecute and deter Medicaid fraud will have a significant positive impact on Florida’s budget.

It is clear that when the Office of Statewide Prosecution was established by the Legislature in 1986, one of the intended missions of the Office was the investigation and prosecution of Medicaid fraud and other fraud upon the government. This conclusion is supported by Section 409.920(8)(d), Florida Statutes, which provides that the Medicaid Fraud Control Unit shall report all potential criminal violations to the Office of Statewide Prosecution or to the appropriate State Attorney Office for prosecution. Accordingly, this Office accepts and prosecutes all Medicaid fraud cases that fall within our jurisdiction.

The Office is currently handling a total of 59 criminal filed cases or investigations involving Medicaid fraud. In addition, we are pursuing another 19 cases involving other types of health care fraud. In 2005, the Office achieved convictions in 14 health care fraud cases, involving 27 defendants who were sentenced to substantial terms of state prison and probation, and ordered to pay \$4.5 million in restitution to the Florida Agency for Health Care Administration (“AHCA”), as well as \$3.1 million to other victims and \$263,000 for costs of investigation.

One notable success involving non-Medicaid health care fraud was the racketeering information filed against the principals of TRG Marketing, LLC. William Paul Crouse and Carmelo Zanfei marketed an unauthorized, self-insured health plan to the citizens of Florida and 43 other states, claiming the plan was exempt from the licensing and certification requirements. The insurance plan, however, was substantially under-funded and the company failed to pay millions of dollars in unpaid claims. Over 7,000 Floridians were left without health insurance. Florida, through the Office of Statewide Prosecution, was the only state to prosecute this enterprise under criminal laws, and in June 2005 the two principals pled guilty to racketeering or conspiracy to commit racketeering, as well as multiple counts of unlawful transactions of insurance. Crouse

was sentenced to four years in state prison followed by 20 years of probation, and Zanfei received two years of state prison followed by 20 years of probation. Both were ordered to pay \$2.9 million to the victims.

The Medicaid fraud cases prosecuted by the Office of Statewide Prosecution in 2005 involved a variety of criminal activity. The cases included: 1) Health care workers who billed for services not provided; 2) Health care providers who billed for therapy and services either not provided or provided by non-authorized personnel; 3) Upcoding by providers; 4) Fraudulent billing under Medicaid group provider numbers of dentists or other medical professionals who were not employed by the provider; 5) Fraudulent billing using forged signatures; 6) Using the fraudulent sale of a pharmacy to bill Medicaid for prescriptions that were never issued or filled; and 6) Fraudulent dispensation of prescription drugs not based on sound medical diagnoses.

It should be noted that the Office of Statewide Prosecution has been presented with several challenges in the last two years in the investigation and prosecution of Medicaid cases.

Historically, the Office has used the Medicaid Fraud statute itself (Section 409.920, Florida Statutes) where appropriate to prosecute offenders defrauding the Medicaid program. In late 2004, however, in *Harden v. State*, 873 So.2d 352, the Third District Court of Appeal raised an obstacle to the State using Section 409.920. In that case, the Medicaid Fraud Control Unit brought a criminal case against Harden, alleging violations of the Medicaid Anti-Kickback Law [Section 409.920(2)(e), Florida Statutes]. The Third District adopted a lower court's ruling that the definition of "willfully" used in the statute deprived the defendant of due process because non-intentional conduct could arguable be punished as criminal. That reduced burden of intent was lower than the federal Medicaid fraud burden, and the Third District held that it thus violated the Florida Constitution.

While the *Harden* decision at the Third District has been appealed and is presently pending before the Florida Supreme Court, the Legislature quickly changed the existing definition of "willfully" to meet the Third District's objections. Since July 1, 2004, new cases have been governed by a new definition that clearly states that to be punished criminally an act must be done "...voluntarily and intentionally and not because of mistake or accident...with the specific intent to do something the law forbids and that the act was committed with bad purpose either to disobey or discredit the law." Thus there should be no problem in using Section 409.920, Florida Statutes, to prosecute offenders for offenses occurring after July 1, 2004.

However, for pre-2004 Medicaid fraud cases that are still pending prosecution, this Office has re-weighed the evidence to determine whether non-Medicaid fraud violations such as theft or organized fraud, may be proven using the evidence already developed in the Medicaid Fraud Control Unit investigations. Where appropriate, the Office has brought new charges based on Section 812.014, Florida Statutes (grand theft) or Section 817.034, Florida Statutes (organized fraud or communications fraud).

For additional summaries of this Office's efforts to help prevent Medicaid fraud, please see Section B above entitled "Statewide Grand Jury Activities," as well as Section F below entitled "Narcotics Trafficking."

#### D. IDENTITY THEFT

In 1998, the Office drafted and pursued the sponsorship and passage 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 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, such as the legislation passed in 2003 and 2005.

As a result, Florida now has some of the toughest criminal identity theft laws in the country. For example, in 2003 Florida enacted new minimum mandatory prison sentences that require convicted defendants to serve minimum mandatory sentences of three to ten years in state prison if they victimize a certain number of individuals or if the amount of monetary damages exceed certain thresholds. Other pro-victim provisions in Florida law include the requirement that law enforcement must take an offense report for all identity theft allegations, and the provision that identity theft charges may be brought either in the county where the crimes occurred or in the county where the victim lives.

In 2005, Florida also enacted new legislation to protect consumers from any leaks of personal identification information. Under Section 817.5681, Florida Statutes, businesses must notify consumers of any breach of security concerning such personal confidential information. If such notification does not occur within 45 days of the breach, then the business becomes liable for administrative fines starting at \$1,000 a day, and rising to \$500,000.

Last year, the Office handled a total of 146 identity fraud cases with 36 defendants being sentenced to a total of 92.68 years in prison, more than 1,429 days in county jail, and 179 years probation with over \$9,603,205 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 2005. They are expected to continue to grow in 2006.

The Office continues to focus on cases involving multiple defendants or multiple victims, and in 2005 a number of defendants received minimum mandatory state prison sentences pursuant to the 2003 amendments to the identity theft statute described above. For example, Eva Verner was convicted at trial of two counts of identity theft for obtaining a drivers license in the victim's name and then obtaining two mortgages on the victim's real property. One was for \$350,000 and the other was a \$2.3 million mortgage. On November 17, 2005 Verner received a sentence of 15 years in state prison on each count, together with minimum mandatory sentences of 10 years, to be served consecutively. The victim's losses were limited to her attorney's fees, but the Attorney's Title Insurance Fund incurred the remainder of the losses.

Another defendant, Anthony Hollis, was prosecuted for identity theft and racketeering for obtaining credit cards in hundreds of victims' names, and was sentenced to 10 years in state prison. However, based on additional criminal conduct he engaged in prior to this conviction, the Office charged him again with racketeering and identity theft for allegedly opening two private schools and enrolling student while obtaining "McKay" scholarships from the Department of Education. The evidence indicates that no actual schools existed, and the identities of the students and their parents were stolen. These two examples are representative of the types of identity theft offenses being prosecuted, which also include cases involving check cashing schemes, credit card schemes, employees "skimming" customers' personal identification information through the use of



electronic devices, employees stealing customers' or other employees' personal identification information, mailbox thieves, and even dumpster divers.

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 includes an "Identity Theft Victim Kit" and can be found under the "Identity Theft Resource and Response Center," which can be obtained at <http://www.myfloridalegal.com>. Since September 2002, there have been 2,685 identity theft 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 identity theft. The victims of identity 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 identity theft victims advocate in Florida, and in FY 2003-2004, the Office employed two such dedicated identity 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 2005, the victims advocate provided fifteen presentations to service providers including banking institutions, colleges, retirement communities, and professional groups and organizations throughout the State where many victims of identity theft were identified and assisted.

## E. COMPUTER CRIMES

The Office continues to handle an array of computer crime cases. Among these are the distribution of child pornography, on-line solicitation of minors for sexual purposes, communications fraud, intellectual property crimes, Internet identity theft, and fraud cases. In 2005, successful OSWP prosecutions included, for example, two jury trial convictions of Walter Ludwig Hammel, resulting in his imprisonment for 40 years. Hammel had solicited an undercover officer for sex while believing that the officer was a young boy.

In 2005, the Office, through its technical expertise and input, supported the Attorney General's and the Legislature's efforts to marshal additional resources to pursue criminals who stalk children on-line and distribute child pornography. These efforts resulted in the creation of the Attorney General's Cybercrime Unit. Since its inception in August 2005, the Cybercrime Unit has focused upon the investigation and apprehension of those who prey on-line upon our youth, resulting in over 36 investigations thus far. Further, the bureau chief of the Attorney General's Cybercrime Unit accumulated expertise in computer crime investigations and prosecutions as an assistant statewide prosecutor and still serves in that specially-designated capacity.

Attorneys and financial analysts with the Office often assist other law enforcement agencies and prosecutors on computer related investigations and prosecutions, and, in 2005 OSWP personnel assisted with the training of law enforcement personnel and the public on how to prevent and investigate computer-related and technology-assisted crimes. Prosecutors with the Office attended numerous computer related training classes such as: the Florida Prosecuting Attorneys Association's "Internet Predator's Seminar," a seminar on "Protecting Children On-line," the "Electronic Crime Seminar" sponsored by the U.S. Secret Service, the U.S. Postal Service's "Identity Theft Seminar," and the "Computer Based I.D. Theft" seminar sponsored by the National Association of Attorneys General.

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, South Florida's Law Enforcement Against Child Harm Task Force (LEACH), and Jacksonville's FBI Cybercrime Task Force and network with the North Florida Internet Crimes Against Children Task Force and Tallahassee's and Orlando's InfraGard chapters.

## F. NARCOTICS TRAFFICKING

The Office handled 72 new cases involving narcotics and other dangerous drugs during 2005, filing 44 cases against 151 defendants. These cases targeted the trafficking of heroin, cocaine, methamphetamine, GBL, ecstasy (MDMA), marijuana, anabolic steroids, and prescription pain killers such as oxycontin and hydrocodone.

Assistant Statewide Prosecutors worked closely with law enforcement agencies to investigate and prosecute several large trafficking organizations in all areas of the State. For example, working with members of the Metropolitan Bureau of Investigation, a multi-agency narcotics and vice task force in Central Florida, the Office assisted in the arrests of 16 persons involved in an estimated 200-member crack dealing ring in Seminole and Orange Counties, charging them with Conspiracy to Commit Trafficking in Cocaine. Another group suspected of trucking in over 80 kilograms at a time into Polk and Osceola Counties, then committing money laundering crimes by moving cash to the source of the cocaine, was also broken with the help of Office attorneys. The Office lent its assistance in the arrest and prosecution of two defendants who brought 2.5 kilograms of cocaine to Cape Coral, believed to be the Cape Coral Police Department's largest cocaine seizure. In the Tampa area, the Office continued to work with the U.S. Attorney's Office, with one of our prosecutors serving as a cross-sworn Special Assistant U.S. Attorney to prosecute a large crack cocaine distribution ring in that part of the State.

The "Stone Cold Task Force" was created in South Florida to study prescription drug diversion and fraud, and its work formed the basis for the Seventeenth Statewide Grand Jury's two reports in 2003 regarding the safety of prescription drugs in Florida. Office members of Stone Cold continue to prosecute and help further investigate the distribution of prescription drugs with false "pedigree papers" (proof of origin and proper manufacture), including several additional arrests made this year. This task force continues to work with state and federal agencies on a

national level, and in 2005 its work resulted in the arrests of over a dozen individuals in Florida, Texas, New York, New Hampshire, Missouri, and Puerto Rico, as well as the seizure of several million dollars.

The Office works closely with regional Diversion Response Teams (DRTs) which target prescription drug trafficking. Many of those cases involve a component of Medicaid fraud, as well, where prescription drugs are being paid for by the Medicaid program but are not going to recipients in need but are being resold in the black market. In July 2005, a DRT case resulted in the arrest of Abel Rodriguez, the owner of a local Miami pharmacy chain, his wife and two sons, and 18 others who operated and profited from the sales of pharmaceutical drugs, including the synthetic opiate Hydrocodone, to persons who placed their orders over the Internet. This case which is being prosecuted by the Office, is the largest known state prosecution of its kind and resulted from Office attorneys working closely with task force members from the Florida Department of Law Enforcement, the Attorney General's Medicaid Fraud Control Unit, the Florida Department of Health, and the U.S. Drug Enforcement Administration.

Sentences obtained by the Office in cases involving narcotics and other dangerous drugs totaled 1,720 years in prison and 276 years of probation in 2005. Financial obligations ordered in these cases totaled \$132,989 in costs of investigation and prosecution, and \$1.8 million in fines. Two of these prosecutions involved in the cases of Stephen Nelson and Brian Robinson. A Jacksonville Assistant Statewide Prosecutor tried and convicted Stephen Nelson for his part in the distribution of cocaine by 40 co-conspirators. Sixteen kilograms of cocaine, two kilograms of heroin, and \$75,000 was seized in that investigation. Following his trial in Clay County, Nelson was sentenced to 15 years in state prison and a \$50,000 fine. Brian Robinson was part of a group of traffickers who distributed cocaine and heroin for several years through Miami-Dade, St. John's and Orange Counties. Seized in his case were five kilograms of cocaine, several cars, marijuana, firearms, and \$200,000. Following his plea of guilty in St. John's County, Robinson was sentenced to 20 years in prison for Trafficking in Cocaine, Racketeering, and Money Laundering.

Assistant Statewide Prosecutors participated in and provided training in narcotics investigation and prosecution to law enforcement personnel and other prosecutors, including drug gangs investigations, Internet pharmacies, and laundering of narcotics proceeds. Office attorneys also actively participated in law enforcement meetings and community events relating to drug control throughout the State, such as the Governor's Drug Summit, the Statewide Violent Crime and Drug Control Advisory Committee, regional Violent Crime and Drug Control Advisory committees, Florida Investigative Unit meetings, and regional Florida Intelligence Unit meetings. In 2005 the Office also began providing legal support and expertise to the Attorney General's campaign to organize a Florida DEC-Meth ("Drug Endangered Children-Methamphetamine") Alliance. This Alliance will serve to provide law enforcement services and support to children abused and neglected by and through the manufacture and use of methamphetamine and is targeted to assist those parts of the State particularly hard-hit by the increase in methamphetamine trafficking.

## **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 2005. Attorneys from the Office lecture frequently at legal conferences, and several prosecutors are listed as subject matter experts by the Florida Prosecuting Attorneys Association.

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, 2001.

2. Prescription Drug Task Forces

The Stone Cold Task Force was created in South Florida 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 on a national level and in 2005 resulted in the arrests of over a dozen individuals in Florida, Texas, New York, New Hampshire, Missouri, and Puerto Rico as well as the seizure of several million dollars. The Office also continues to participate in a task force formed by the Governor's Office of Drug Control to study prescription drug diversion.

Additionally, the Office works closely with "Diversion Response Teams," formed in July 2004 following legislative authorization. These teams are comprised of several law enforcement agencies including the OSWP, the Attorney General's Medicaid Fraud Control Unit, the Florida Department of Law Enforcement, the U.S. Drug Enforcement Administration, and the Florida Department of Health in eight regions around the State. In 2005, these teams actively investigated and prosecuted several groups involved in the organized diversion of prescription drugs.

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, the North Florida High Drug Intensity Drug Trafficking Area ("NHIDTA"), the Central Florida High Drug Intensity Drug Trafficking Area ("HIDTA"), the Orlando-based Metropolitan Bureau of Investigation ("MBI"), and others.

5. Big Bend Fraud Task Force

All of the attorneys in the Tallahassee Office are members of the Big Bend Fraud Task Force. The Task Force meets monthly and also sponsors an annual seminar as well as presentations to the public. The Task Force is a joint effort of federal, state, and local law enforcement, financial institution security persons, and retail security persons.

## 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 2005, the Office offered assistance to the Secret Services' 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 2005, 24 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 2005:

- American Bar Association
- Association of Certified Fraud Examiners
- Big Bend Fraud Task Force
- Central Florida Fraud & Forgery Unit
- Central Florida High Drug Intensity Drug Trafficking Area
- Central Florida Intelligence Unit
- City County Investigative Bureau (Seminole County)
- Division of Insurance Fraud/Special Investigation Unit
- FBI Cyber Crime Task Force
- Florida Association of Computer Crime Investigators
- Florida Gang Investigators Association
- Florida Intelligence Unit
- Florida Prosecuting Attorneys Association
- Florida Sheriffs Association
- INFRAGARD
- League of Prosecutors
- Metropolitan Bureau of Investigation (Orlando)
- Multi-Agency Gang Task Force
- National Association of Attorneys General
- National White Collar Crime Center
- NHIDTA (North Florida High Drug Intensity Drug Trafficking Area)
- North Florida ICAC (Internet Crimes Against Children)
- Osceola County Investigative Bureau
- Prescription Drug Diversion Response Team

- Prescription Drug Task Force
- Secret Service High Technology Task Force
- Statewide Violent Crime and Drug Control Council
- South Florida Human Trafficking Task Force
- Suncoast Analysts
- Volusia County Bureau of Investigation

F. 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. Eight attorneys from the Office are Florida board certified in criminal law, nineteen 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.

Six 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.

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. All of these Offices are housed with the Offices of the Attorney General in order to work closely with the Attorney General's Medicaid Fraud Control Unit, the Cybercrime Unit, and the Economic Crimes Section. 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 2005-2006 general revenue 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 2004-2005, the prosecutors and financial analysts recorded a total of 2,146 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, 2006. All Office Chiefs report directly to the Statewide Prosecutor.

Tallahassee	Jacksonville	Orlando	Tampa	Ft. Myers	Ft. Lauderdale	Miami	West Palm Beach
Ronald Lee <b>Office Chief</b>	Luis Bustamante <b>Office Chief</b>	Richard Bogle <b>Office Chief</b>	John Roman <b>Office Chief</b>	George Richards <b>Office Chief</b>	Lisa Porter <b>Office Chief</b>	Jodie Breece <b>Office Chief</b>	Michael Rachel <b>Office Chief</b>
Brian Fernandes	Shannon MacGillis	Lawrence Collins	Chris Brown	Christopher Crowley	Jim Cobb, <b>Assistant Chief</b>	Christina Martyak	Ann Marie Smith
Steve White	Amy Osteryoung	Trakina Graham	Mark Campbell	Jessica Horowitz	Matthew Detry	Laudelina McDonald	William Shepherd
		Heather Lee	Katherine Diamandis		Oscar Gelpi, <b>Special Counsel</b>		
		Anne Wedge-McMillen	Shannon Kennedy		Kathleen George		
		Dan Mosley	Cathy McKyton		Julie Hogan		
		Jim Schneider <b>General Counsel</b>	Thomas Smith		Stephen Immasche		
					Margery Lexa		
					Ed Pyers		

Below is a list of support staff assigned to each office as of March 1, 2006.

<b>Tallahassee</b>	<b>Jacksonville</b>	<b>Orlando</b>	<b>Tampa</b>	<b>Ft. Myers</b>	<b>Ft. Lauderdale</b>	<b>Miami</b>	<b>West Palm Beach</b>
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	Georgina Clinche, Executive Secretary	Lisa Cushman, 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	Jennifer Hernandez, OPS Secretary	
Tammy Peterson, Criminal Financial Specialist	James Layman, OPS Criminal Financial Analyst	Lynn Henry, Victims Advocate	Omayra Kohler, Executive Secretary		Noemi Hernandez, Admin. Assistant		
Lula Weston, Sr. Executive Secretary		Amy Romero, Admin. Assistant	Amanda Knox, Executive Secretary		Rhonda Greene, Executive Secretary		
		Shirley Moton, Executive Secretary	Michele Stano, Executive Secretary		Rimma Romashova, Executive Secretary		
		Jessica Watkins, Executive Secretary	Nataya Birdson, OPS Secretary		Omarelis Jimenez, Executive Secretary		
		Yesenia Witherspoon, Executive Secretary					



## GOALS AND OBJECTIVES FOR 2007

The primary goal of the Office of Statewide Prosecution is to make a significant impact on organized criminal organizations in the State of Florida. In 2006, the Office will continue to focus our resources on multi-defendant and multi-circuit cases. 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. This emphasis has been reflected in the Office's high conviction rates.

The Office can best accomplish this mission through cooperation and partnership with federal, state, and 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. This includes the Florida Department of Law Enforcement, all statewide law enforcement agencies, many federal law enforcement agencies, the Attorney General's investigative units, Florida's 67 sheriffs and their offices, and many other local law enforcement agencies. 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. 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.

Finally, the Office will continue to be staffed by dedicated career prosecutors and other paraprofessionals who will diligently pursue and prosecute multi-jurisdictional criminal activity against the State of Florida and its citizens.

---

Peter Williams  
Statewide Prosecutor

March 1, 2006