

2016

# ANNUAL REPORT



**Nick Cox**  
**Statewide Prosecutor**

## **OVERVIEW OF THE OFFICE OF STATEWIDE PROSECUTION IN 2016**

The office of Statewide Prosecution continued to have a busy and successful year in 2016. Our prosecutors have continued the long standing battles against illegal pill and opioid distribution, human trafficking, and various frauds, in addition to our continued efforts against gangs, the rising number of retail and cargo theft entities, and health care frauds with our colleagues in Medicaid. We pride ourselves on having an excellent team of prosecutors and support staff with extensive experience, and our hiring practices have continued to see an influx of outstanding staff.

As an overall general measure of our 2016 performance, our office once again accomplished an outstanding conviction rate for the year at 96%. We did this at the same time that we saw almost 12% increase in the number of defendants we convicted throughout the year. OSP has routinely enjoyed higher conviction rates which we believe should be expected based on the manner in which we handle our cases from investigation to sentencing. Either way, such conviction rates we are very proud of.

In 2015 we saw a significant spike in the amount of prison sentences imposed in our cases. For 2016 we saw that number return to a more normal level along with increases in the amount of alternative sentencing. Community Control (house arrest) sentences increased over 135%, probationary sentences increased over 36%, and the amount of restitution ordered increased over 137%. Much of this can be attributed to efforts to not only prosecute, but to assist defendants whose crimes were driven by drug addiction, mental health issues, and some who committed crimes while being victims of human trafficking themselves. Justice often calls for incarceration, but it also can take the form of attacking the source of the issue that led the defendant to commit the crime.

OSP also has continued to seek appropriate financial recoveries at sentencing. In 2016 Courts ordered almost \$10.7 million in restitution to victims of crime. The OSP also seeks recoveries for costs of investigation, prosecution, along with the fines of the court, which hovered around \$10 million in 2016. Of course the recovery of restitution is always first and foremost. The amount of financial orders has always well exceeded the operating budget of the OSP as in 2016, at 342%.

Finally, we continue to do a substantial amount of work with electronic surveillance with wiretap technology. This year we handled 62 wiretaps with law enforcement. Most of these would be for drug investigations, but they have also been utilized in other crimes including burglary rings, robberies, and others. OSP has several experts in electronic surveillance and wiretap technology and as a result we have often become the “go to” agency for many agencies. With the advent of throw away phones, OSP works hard to keep up with the criminal suspects by moving quickly to get wire orders processed quickly.

The success of our agency is in its’ people, several of whom have assisted in writing this report. We have again chosen a few areas to highlight and discuss our activities in 2016.

## **OFFICE GROWTH**

### **Miami**

The Miami Office of Statewide Prosecution underwent a major change in 2016.

Besides the enlargement of the scope of our case filings to include considerably more trafficking in contraband drugs, a continued emphasis on Medicare fraud, and ever more investigations in securities fraud, and other thefts, our office also moved its location.

In December 2016, the culmination of careful location planning and logistical maneuvering resulted in a move by the entirety of the Attorney General's team from the Brickell area of Miami to a more centrally located downtown space. Besides putting our Statewide Office in a more spacious area for meetings and depositions, the move allowed for all Attorney General Offices to be on the same floor, thus, allowing for synergistic sharing opportunities with the Appellate Division, Consumer Protection, and Medicaid Fraud.

Also in 2016, Statewide lost a trusted and esteemed colleague who moved on to other challenges in her career. However, she was quickly replaced with a new prosecutor whom we are sure will fit in nicely with our team when she comes on board at the beginning of the new year.

All in all, the Office continues in its efforts to positively impact the largest community in the State, providing prosecutions in crimes along with the able assistance of local, state, and federal law enforcement and retreating from no challenge in South Florida in its quest to make this a premier community to live and raise a family.

~ Stephen ImMasche, ASP

## **Jacksonville**

The Jacksonville Office of Statewide Prosecution (JOSP) saw many changes in 2016. The year began with the retirement of one attorney. In May, Kelly Eckley, the chief of JOSP was appointed by Governor Scott to the Duval County Court bench. Although JOSP is sad to lose this legal talent, she takes a multitude of skills to the judicial community. In June, a new chief was selected. Under the new chief, the office hired two new attorneys. Each attorney brought a wealth of knowledge and experience in criminal prosecution, as well as an established network of contacts within the federal and state law enforcement communities which quickly led to new

investigative referrals.

One new hire comes to us with proven trial experience in serious felonies as well as experience from more than one Judicial Circuit in the State of Florida. The second brings significant experience in Special Operations, Organized Crime, Gang, Racketeering, Economic Crimes, Public Corruption, Narcotics, and wiretap investigations and prosecutions.

With a combined 21 years of experience in criminal prosecution between the two new additions and the office being fully staffed, the JOSP looks forward to taking on additional active investigations. Each new hire also helps to strengthen the JOSP's relationships with the local State Attorney's Offices and law enforcement agencies. The JOSP is actively involved in various task forces addressing human trafficking, financial crimes and gang and violent crimes, which is resulting in the intake of new cases.

Following this year of transition, the JOSP is excited to continue our efforts to aggressively prosecute organized crime in 2017.

~ Kelsey Bledsoe, Chief ASP

## **Orlando**

In 2016, the Orlando bureau of Statewide Prosecution continued to demonstrate its presence over a significant geographical area of the state. Its ten attorneys prosecuted cases in ten counties in central and east Florida, from Ocala to Vero Beach and Bartow to Daytona Beach. The focus of these efforts was directed to, among other criminal endeavors, the widespread scourge of prescription drug abuse; ever-evolving methods of white collar fraud; and the increased prevalence of human trafficking in its various forms. In seeking to dismantle organized criminal conspiracies of all types, the bureau's attorneys partnered with dozens of different local, state, and federal agencies to obtain convictions and increase public awareness of crime in communities

large and small.

During this year, Orlando worked with a total of 15 different law enforcement agencies in Central Florida to investigate 202 individuals and filed a total of 47 new cases. Eight of these cases involved wiretaps on 28 different phone lines. The office secured convictions on 233 defendants. There were an additional 77 cases of Violations of Probation with 59 convictions.

While Orlando OSP's mission remained the same, the year also brought some changes in its base of operations. In early spring a new Special Counsel and Bureau Chief were appointed, and at the end of the year the bureau's first victim advocate was welcomed. Late summer also saw improvements to the physical plant, as new paint and carpeting and a modernized phone system combined to enhance the workplace environment.

~ Robert C. Finkbeiner, Jr., Chief ASP

## **Human Trafficking**

In 2016, the Office of Statewide Prosecution continued its commitment to community outreach by attending and speaking at various conferences and workshops concerning Human Trafficking. Assistant Statewide Prosecutors provided training and presentations on various topics and case studies to local law enforcement agencies as well as at the University of Tampa; The Maternal & Child Health Student Organization Symposium on Human Rights at the University of South Florida; the International Association of Human Trafficking Investigators Conference, Valencia College School of Public Safety, the Statewide Council on Human Trafficking Summit; the Florida Child Protection Summit, the IALEA/LEIU Intelligence Conference in New Orleans, and the Shared Hope JuST Conference in Washington D.C.

OSP continues to be proactive and aggressive partners to law enforcement in ongoing

investigations. In June 2016, OSP was contacted by the Sarasota Police Department regarding their need for immediate assistance in an investigation relating to a minor victim of Human Trafficking. A female minor reported that she had been drugged and coerced into engaging in sex acts for the financial benefit of Joshua Carter. The investigation quickly revealed that Carter had travelled from Georgia to Florida for the purpose of advertising women on Backpage.com for commercial sex. The investigation quickly resolved with the arrest of Joshua Carter and the rescue of two victims. The investigation continued post arrest which exposed a criminal enterprise resulting in Carter being charged with RICO, Conspiracy to Commit RICO and Human Trafficking. Of equal importance, the victims entered into residential programs for survivors of Human Trafficking and are thriving.

In August, 2016, the Marion County Sheriff's Office contacted OSP to assist in the investigation of allegations of Human Trafficking against Ryan Poole. Poole was accused of meeting a woman on the dating website, Plenty of Fish, and months later forcing her to engage in the sex trade. She was first forced to work in strip clubs, perform sex acts for a webcam and was eventually advertised on Backpage.com. After a year of being under Poole's control, the woman was finally able to leave. When Poole learned of her plan to leave, he beat her and committed sexual assault. Poole was arrested and is charged with Human Trafficking, Deriving Support from the Proceeds of Prostitution and Sexual Battery. Poole is currently awaiting trial.

In October 2016, OSP partnered with Largo Police Department, Clearwater Police Department and the Department of Homeland Security to conduct an undercover operation looking for individuals willing to pay to have sex with minor children. This operation resulted in the arrest of two individuals, Claude Ramsey and Jose Tapia Mora. Both have been charged with Human Trafficking and are awaiting trial in Pinellas County.

In addition, in 2016 OSP charged 29 other persons in cases which involved elements of Human Trafficking. In some of these cases, the evidence did not support the filing of a charge for Human Trafficking, but did result in charges of Racketeering which included predicate offenses of Prostitution and Deriving Support from Proceeds of Prostitution. Most importantly, several victims were rescued and provided with necessary services from a NGO partner.

Lastly, in 2016, OSP opened 13 investigations throughout Florida regarding potential Human Trafficking cases including forced labor and commercial sex. OSP will continue to work with our law enforcement partners and non-governmental agencies towards reaching the ultimate goal of eradicating Human Trafficking in our State.

## **Wiretaps and Illicit Drugs**

The OSP continues its partnership with federal, state and local law enforcement agencies in investigating and prosecuting those criminal organizations involved in bringing illicit drugs into this state for distribution in our communities. In many instances, the OSP and our law enforcement partners have utilized, among other available tools of investigation, electronic surveillance of communications (commonly referred to as wiretaps) to dismantle entire organizations of individuals trafficking in illicit drugs. By utilizing this investigative tool when appropriate, the OSP and our partners in law enforcement have been able to not only hold those individuals found in actual possession of illicit drugs accountable, but have also held accountable, through conspiracy prosecutions, those individuals higher up in the organization's hierarchy that are directing the illicit activities of the organization and realizing most of the ill gotten gains being derived from the criminal activity. In 2016, the Statewide Prosecutor authorized sixty-two (62) wiretap applications to be made by law enforcement to a court of competent jurisdiction,

inclusive of 15 extensions of previously authorized intercepts.

With the success of the fight against pill mills and pharmaceutical drug abuse, the state has seen an increase over the past couple of years in heroin related deaths. The OSP is responding by working with our law enforcement partners to put an end to this alarming trend utilizing all of the investigative and legislative tools at our disposal. For example, in November and December, prosecutors with OSP convicted a Lee County man twice in two separate trials for his role in trafficking heroin. In those trials, Alan Nunez Nino was found guilty after two separate juries found him guilty of trafficking in heroin on different occasions. Nino is currently awaiting sentencing on those convictions. Each of those convictions mandate a 25 year state prison sentence and a \$500,000 fine pursuant to statutes put in place by the state legislature.

The OSP continues to utilize wiretaps and electronic surveillance in cases that have led to significant seizures and arrests. In February, the OSP announced the arrests of 15 targets of an electronic surveillance/wiretap investigation for trafficking in heroin and conspiracy based in Manatee County. During the investigation, law enforcement seized trafficking amounts of heroin and cocaine, numerous firearms, and over \$320,000 in case and assets. That investigation is on-going, and has led to 19 arrests and the issuance of warrants for several other drug traffickers, with more arrests expected in 2017.





In October, the OSP filed heroin trafficking and conspiracy charges against 13 Hillsborough County subjects after an electronic surveillance/wiretap investigation which led to the seizure of trafficking amounts of heroin.



Similarly, the state is seeing an increase in methamphetamine trafficking and OSP is on the frontlines of that fight as well. OSP, along with many law enforcement agencies throughout this state, is seeing a shift from clandestine methamphetamine laboratories in the state producing relatively small amounts of poor



quality methamphetamine to industrial size laboratories in Mexico producing large quantities of high quality methamphetamine which is then smuggled into the state for distribution upon our streets. OSP is working with federal, state and local law enforcement agencies to combat these increased instances of large quantities of high quality methamphetamine from Mexico being brought into our state for distribution. For example, a wiretap investigation conducted in Polk County resulted in the arrest and conviction of a 28 year old Mexican chemist named Gilberto Cuevas Hernandez, among others. Cuevas Hernandez, who previously resided in San Lucas, Michoacan, Mexico, was recruited by a Mexican drug trafficking organization and brought to this state illegally for the sole purpose of converting high quality methamphetamine smuggled into this country from Mexico from the wax like form in which it had been transported to a more readily consumable crystalized form. Once converted by Cuevas Hernandez through a chemical process, the crystalized methamphetamine was then provided to drug traffickers throughout Central Florida for distribution onto the streets of this state. Upon his conviction, Cuevas Hernandez was sentenced to twenty years in state prison and assessed a \$250,000 fine.

The OSP will continue to relentlessly pursue those individuals and organizations involved in the importation and distribution of heroin,

methamphetamine, cocaine and cannabis in this state. OSP, along with our law enforcement partners, will continue to use tools such as electronic surveillance and the interception of communications to dismantle entire distribution networks put in place by these criminal organizations, and, upon convictions, will seek lengthy prison sentences for those most culpable.

~ Joseph Spataro, ASP and David Gillespie, ASP

## **White Collar Crime**

The range of white collar cases prosecuted by the Office of Statewide Prosecution remains limited only by the creativity of the criminal defendants themselves. OSP's many law enforcement partners--local, State, and Federal--remain vigilant in staying current with the changes in technology used by criminals to ply their misdeeds. A significant number of such cases, at their essence, involve the theft and use of personal identifying information. Combating this offense, and in so doing educating the public, private enterprise, law enforcement, and the courts about its many perils, has been one of the Office's greatest successes for nearly twenty years since it led the way in the passage of Florida Statutes 817.568. More commonly known as the Identity Theft statute, it has over the years greatly expanded the type of activity which is now criminalized, as well as creating and significantly enhancing required sentences. Additionally, the increased awareness it created has made the process infinitely easier for victims taking the necessary steps to restore their credit to its rightful level. While this crime remains a constant threat in Florida, OSP offices throughout the State remain committed to continuing the efforts to pursue justice for its victims.

Unsurprisingly, the 'old school' crimes continue to be a vice for Florida consumers and citizens as well. Highlights from the past year include the elimination of a large retail theft ring based in Ocala;

the closing of a time share operation in Orlando which was re-victimizing scores of senior citizens with false promises of obtaining refunds of earlier scammed monies; and the successful prosecution of a now-former police officer in Gainesville who had been misappropriating funds from the FOP lodge over which he presided. All of the significant figures in these cases received prison time as part of their sentences. These are a very small number of examples of the work done in white collar criminal enterprises which continues on a daily basis by OSP on behalf of victims throughout Florida.

~ Robert C. Finkbeiner, Jr., Chief ASP

## **HIDTA**

December 2016 marked the tenth successful year of OSP's partnership with the North Florida High Intensity Drug Trafficking Program (NF HIDTA). The NF HIDTA is one of the nation's 28 HIDTAs, each a federally funded law enforcement coalition coordinating, combining and leveraging the resources and capabilities of federal, state, local, and tribal law enforcement agencies to disrupt and dismantle Drug Trafficking and Money Laundering Organizations. There are three HIDTAs in Florida: North Florida HIDTA, Central Florida HIDTA, and South Florida HIDTA. The NF HIDTA successfully integrates 40 federal, State and local law enforcement agencies in a ten county foot print, which includes Alachua, Baker, Columbia, Clay, Duval, Flagler, Marion, Nassau, Putnam, and St Johns Counties.

In 2006, OSP partnered with the NF HIDTA to create the Prosecutorial Initiative. Unlike the model used by other HIDTAs where prosecutors are assigned to particular initiatives, the stated mission of the Prosecutorial Initiative is to assist all NF HIDTA initiatives in the development of sound, effective, prosecutable cases against major Drug Trafficking and Money Laundering Organizations. In 2014, this initiative absorbed

the Cash and Asset Seizure Team, a group of experienced law enforcement officers who specialize in tracking, locating, and assisting in the lawful seizure of narcotics-related illicit proceeds. Now the Prosecutorial & Cash and Asset Seizure Initiative, this successful grant-funded initiative has been continuously lead by Shannon MacGillis, a member of Florida's Attorney General's Office of Statewide Prosecution, Jacksonville Bureau. Ms. MacGillis, an Assistant Statewide Prosecutor since 2003, and former Assistant State Attorney, is an experienced attorney with expertise in the lawful use of electronic surveillance techniques, including the use of wiretaps, and more recently a specialization in emerging, illicit synthetic drugs. The initiative produces and provides training and analysis to officers and prosecutors reflective of the current needs of the law enforcement community. The Initiative also participates in the development of legislation that directly impact efforts by law enforcement to control drug trafficking in the State of Florida.

The OSP partnership with NF HIDTA directly promotes and fulfills the stated and intended directive of Florida Statutes Section 16.56(1)(c), for OSP to, "Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes." This partnership continues to provide OSP with an excellent source of well developed, complex cases involving organized crime affecting the State of Florida, as well as promoting great relations with numerous State Attorneys' Offices throughout the State, providing assistance to any prosecutor, and overall enhancing the cooperation and understanding between investigating agencies, forensic laboratories and prosecution offices.

~ Shannon MacGillis, Special Counsel OSP

## **Synthetic Drugs**

In 2016, members of OSP were instrumental in

the successful passage of legislation to combat synthetic, designer drugs in Florida. Synthetic drugs are "research" chemicals designed specifically to mimic the "high" similar to drugs such as marijuana, heroin, cocaine or methamphetamine. The explosive proliferation of designer drugs in recent years has become an immediate threat to public health. Since 2011, the Florida Legislature has incrementally added specific compounds of concern, over 140 synthetic drug compounds in total, to Schedule I of Florida's controlled substances schedules, quadrupling the number of compounds controlled under that particular Schedule. As well, within weeks of taking office, Pam Bondi began a succession of emergency executive orders, year after year, to try to combat the increasing number of synthetic drug compounds of abuse. However, after each control action, by legislation or emergency control, slightly-altered new "replacement" compounds were deployed into the illicit lucrative designer drugs market to evade controls. By 2015, both the CDC and DEA had announced that the increasing number of synthetic drug variants available and the higher toxicity of the new variants posed an immediate public health threat. Beginning quietly in 2012, members of the OSP, partnered with NF HIDTA, and FDLE chemists, began working on a new legislative approach for Florida to combat this designer drugs problem. In 2016, with the tremendous efforts of Attorney General Pam Bondi, that work became new law to categorically outlaw designer drugs, and passed both houses of the Florida Legislature: UNANIMOUSLY. The new law is sometimes referred to as the "Analog Law" because it controls, by "class description," many of the chemical analogs to the top designer drugs of concern in Florida. Class Descriptions define groups of compounds by their core structure and describe the certain modifications that can be made to the core structure yet stay within the class. As a result, the criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances now apply to these continuously emerging synthetic substances. The new law also provides a definition

to “substantially similar” as to chemical structure in the existing controlled substance analog sections, 893.0356, F.S., opening the door to less complicated, less expensive prosecutions of analog compounds. The 2016 law controlled by “Class”: synthetic cannabinoids (also known as “K2” or “Spice”), substituted cathinones (“Bath Salts,” “Flakka”), substituted phenethylamines (“Ecstasy Type,” “Molly”), N-benzyl Phenethylamines (“NBOMe,” “N-bombs”), substituted tryptamines and substituted phenylcyclohexylamines (PCP Derivatives).

While Florida was taking great steps to stem the tide of those synthetic drugs, beginning late 2013, steadily increasing through 2014, and skyrocketing to epidemic proportions in 2015, people of our nation began to die from abuse of fentanyl and fentanyl derivatives, Florida being one of the states hit particularly hard. In fact, Florida is one of eight states of the 27 analyzed by the CDC to see substantial increases in fentanyl-related overdose deaths, specifically from 2010-2012 to 2013-2014, the total number of people in Florida who died from fentanyl-related overdoses increased from 379 to 582, and alarmingly the number of people ages 14-34 who died from fentanyl-related overdoses increasing from 82 to 200. From 2014-2015, the number of submissions of fentanyl to Florida’s forensic laboratories increased 5-fold. Also disturbing, according to the CDC, Fentanyl and fentanyl derivatives are often mixed with heroin and/or cocaine as a combination product— with or without the user’s knowledge— to increase its euphoric effects. Similar to other designer drugs such as Synthetic Cannabinoids, manufacturers of illicit Fentanyl Derivatives utilize often simple molecular modifications to the Fentanyl “core” to create “new” substances to mimic (often amplify) the effects of a scheduled compound to get around laws.

In response, in the Fall of 2016, members of OSP with FDLE chemists, and this time partnered with the Florida Sheriff’s Association, went to work

to propose legislation aimed at the explosion of Fentanyl and Fentanyl Derivatives using Class Description Control.

~ Shannon MacGillis, Special Counsel OSP

## Conclusion

2016 was another good year for OSP. In 2017 we will continue to focus on the priorities of Attorney General Bondi, most notably opioids, and human trafficking. We will also continue to pursue frauds and schemes involving consumers and health care as well as organized theft rings. We hope to make further efforts on illicit drug distribution as we see the increased use of drugs such as heroin and methamphetamines. OSP prosecutors and staff have proven themselves committed to the mission of this office and will continue to do all we can to assist our law enforcement partners in seeking justice in every case.



**Appendix**

Below is a list of the Assistant Statewide Prosecutors assigned to each Office as of December 31, 2016.

Jacksonville	Orlando	Tampa	Ft. Myers	Ft. Lauderdale	Miami	West Palm Beach
Kelsey Bledsoe Office Chief	Robert Finkbeiner Office Chief	Diane Croff Office Chief	Michael-Anthony Pica Office Chief	Julie Hogan Deputy Statewide Prosecutor		Stephanie Tew Office Chief
Joanna Pang	Diane Checchio	Laura Anne Rose	Audra Thomas-Eth	Oscar Gelpi Special Counsel	Stephen ImMasche	Danielle Dudai
Shannon MacGillis	John Roman	Paul Dontenville	Jennifer Gutmore	Cynthia Avari	Jeremy Franker	Jonathan Bridges
James McGuire	Jim Schneider, General Counsel	Jessica Costello	Carrie Pollock Gil	Jessica Dobbins	Nickolaus "Hunter" Davis	
	Nicole Phillips	Julie Sercus		Margery Lexa		
	David Gillespie	Joseph Spataro		Priscilla Prado		
	Sylvester Polk	Kelly McKnight		Jeremy Scott		
	Gary Malak	Diana Bock				
	Mary Sammon	Cass Castillo				

Below is a list of support staff assigned to each Office as of December 31, 2016.

Tallahassee	Jacksonville	Orlando	Tampa	Ft. Myers	Ft. Lauderdale	Miami	West Palm Beach
Brandon Greene Secretary Specialist	Christopher Floyd Criminal Financial Specialist	Sherrie Elmahmoud Criminal Financial Analyst	Virginia Caswell Administrative Assistant	Dawn Andrews Executive Secretary	Barbara Goodson Senior Criminal Financial Analyst	Georgina Clinche Senior Executive Secretary	Lisa Cushman Administrative Assistant
	Connie Bland Senior Executive Secretary	Amy Romero Administrative Assistant	Kristina Dalmau Executive Secretary	Janine Hagerdon Executive Secretary	Thelma Alvarado Research Associate	Barbara Jauregui Executive Secretary	Rosemarie Larosa Executive Secretary
		Matisha Pittman Executive Secretary	Debra Kersting Executive Secretary		Omarelis Jimenez Executive Secretary		
		Angelica Geremia Executive Secretary	Tammy Wade Executive Director		Rhonda Greene Administrative Assistant		
		Antoinette Jackson Executive Secretary			Lourdes Villar Executive Secretary		
		Katie O'Rourke Victim Services Specialist					



**ATTORNEY GENERAL**  
**PAM BOND**  
**FLORIDA OFFICE OF THE ATTORNEY GENERAL**