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# dbrr DAILY BUSINESS REVIEW

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Judge Frank A. Shepherd was sworn in as chief judge of the Third District Court of Appeal by Senior Judge Alan R. Schwartz. **A2**

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Broward Circuit Judge Steven B. Ferren has been around — the Bronx district attorney's office, the state Legislature and the World Series of Poker. **A16**

Ferren

**SPECIAL REPORT**  
LABOR & EMPLOYMENT

## Affordable Care Act

Creating a new niche in the employment arena

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**DEAL OF THE DAY**

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**PUBLIC NOTICES & THE COURTS**

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Public notices from Miami-Dade, Broward and Palm Beach also available at [DailyBusinessReview.com/public\\_notices.jsp](http://DailyBusinessReview.com/public_notices.jsp). Public notices published in newspapers statewide available at [FloridaPublicNotices.com](http://FloridaPublicNotices.com).

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**JUSTICE WATCH** John Pacenti

## Federal suits claim Miami-Dade police killed 4 men

A specialized Miami-Dade police squad lured a holdup crew that targeted drug traffickers to a home in the Redlands and "deliberately executed the entire group," according to two federal lawsuits.



The civil rights lawsuits assigned to U.S. District Judges Donald Graham and Ursula Ungaro claim the fatal shooting of four men June 30, 2011, was not an isolated incident. The lawsuits claim officers assigned to two units targeting violent drug crime have used questionable tactics before, resulting in four other deaths since 2006.

State Attorney Katherine Fernandez Rundle's office is investigating the case and has indicated some officers could have "criminal liability," according to a motion filed in one of the lawsuits.

The officers belong to the Special Response Team and Street Terror Offender Program. The litigation brought by the families of two of the dead men accuses the county, the department and 13 officers of unconstitutional use of excessive force and having an unofficial policy of lethal ambush, among other claims.

The county and department are seeking dismissal of the first lawsuit, insisting the officers are protected by qualified immunity. The plaintiffs in the initial case

involving the death of Antonio Lee Andrew also attached a Justice Department report released last week that found a pattern of excessive force in the Miami police shooting deaths of eight black men in an eight-month period in 2011.

These lawsuits, however, take on Miami-Dade County's police department.

They read like a crime novel, outlining how master criminal Roger Gonzalez Sr. led a gang of men committing home invasions in the late 1990s before switching to a crew that brazenly targeted drug traffickers.

**ontheweb**  
Read the lawsuits on [DailyBusinessReview.com](http://DailyBusinessReview.com)

**SEE JUSTICE WATCH, PAGE A4**

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## LEGAL BRIEFS

### TEEN ACCEPTS PLEA DEAL IN SCHOOL BUS ATTACK

A teenager involved in a school bus beating has accepted a plea deal that includes a strict curfew, no access to social media and anger management classes during her 270-day probation.

The Tampa Tribune reports the 17-year-old girl was charged with first-degree misdemeanor battery after she was filmed attacking a 16-year-old on a Pasco County school bus Feb. 1. She accepted the plea deal on Thursday in New Port Richey. (The Associated Press)

### SENATOR WANTS INVESTIGATION INTO WHERE LEGISLATORS LIVE

A Republican legislator wants a probe into whether six legislators are flouting a state law that requires a legislator to live in their district.

Senator Jack Latvala wrote a letter to

Governor Rick Scott as well as the state's legislative leaders asking for an inquiry.

Latvala, the chairman of the Senate Ethics and Elections Committee, stated he wants a "conclusive finding" into whether the legislators are violating the law. (The Associated Press)

FROM PAGE A1

# JUSTICE: Lawsuit claims killings not an isolated incident

Facing decades in prison after an arrest in 1997, Gonzalez became a federal informant, helping authorities on numerous cases, including murder investigations, the lawsuit states.

He served 14 years behind bars and almost immediately after his release in 2010 carved out a niche in the South Florida criminal landscape: targeting the homes of drug traffickers for robberies.



Leto

Among those he recruited were Andrew of Opa-locka and Cuban immigrant Jorge Luis Lemus of Miami.

Their families filed wrongful death suits against the county, the police department and the SRT and STOP officers.

The families are represented by Justin C. Leto and Jonathan Michael Hixon of the Leto Law Firm in Miami and Jesse Dean-Kluger, a partner at Dean-Kluger & Sibley Law in Miami.



Hixon

"The shooting involves an undercover sting operation where the police had a confidential informant in place to direct the activities of our clients," said Leto, the principal attorney at his firm. "With

that level of control over the situation, it is hard to comprehend why four men are dead at the hands of the police, including the informant, without a shot ever being fired by any of the alleged thieves."

When asked if he felt he was at a disadvantage because the wrongful death lawsuits concede criminal activity by the decedents, Leto said, "Everybody is entitled to their constitutional rights, and that means everyone."

#### THE STING

Lemus and Andrew were killed along with Gonzalez and police informant Rosendo Betancourt. The men targeted

a county-owned home where they believed they would find 20 pounds of marijuana.

Betancourt was told to stay in the car but got out with the others. The lawsuit claims an unmarked van burst through a back gate and onto the lawn as they entered the yard. The SRT and STOP teams got out of the van. None was dressed in police uniforms or displayed their badges.

"As far as the Gonzalez crew was concerned, these shooters were the drug dealers that were expected to be in the house," the lawsuit states.

All four men attempted to flee and were shot dead, Leto said.

Though discovery has been difficult for the plaintiffs with the state attorney's investigation pending, Leto said, "The funeral home director confirmed that Andrew's body was covered in bullet holes."

Miami-Dade police established STOP in 1990 in order to target drug-related violent crime.

"STOP has been successful in removing such individuals who commit these violent crimes from the streets of Miami-Dade County," the lawsuits states. "However, recently the success of STOP has come at the expense of some individuals civil rights."

The lawsuits said a suspect died during a 2006 gun battle with police when six men arrived to rob a tractor-trailer in Medley. A police informant told the robbers that the trailer held 176 pounds of cocaine. The lawsuit states the SRT immediately opened fire without warning.

A second shooting occurred almost a year later in Medley under similar conditions. The lawsuit states the suspect was surrendering when members of the team opened fire.

"Four more snipers then rattled off more than 30 rounds in 10 seconds," the lawsuit states. "Another individual, unarmed, got out of the car to take shelter and was immediately killed."

The latest questionable shooting occurred May 17, 2012, when police staged a car crash to nab suspects in another vehicle, according to the lawsuit. A passenger made an "evasive" move towards the floorboards of the

#### THE CASES

■ **Case Name:** Almara-Santana v. Miami-Dade County et al

■ **Case Number:** 13-cv-22289

■ **Court:** U.S. District Court, Miami

■ **Judge:** Ursula Ungaro

■ **Case Name:** Charlene Benbow v. Miami-Dade County et al

■ **Case Number:** 13-cv-20452

■ **Court:** U.S. District Court, Miami

■ **Judge:** Donald Graham

■ **Shared allegations:** Excessive force; unofficial policy, procedure or custom of excessive force; unofficial policy, procedure or custom of lethal ambush; failure to train; wrongful death

■ **Details:** Antonio Andrew joined a gang targeting drug dealers for robbery. A civil rights lawsuit brought by his family accuses a Miami-Dade police squad of luring the four-member crew to a fake drug house and deliberately executing them.

■ **Defense:** Qualified immunity, past incidents do no rise to violation of constitutional rights.

car.

"This prompted the officer to fire at the passenger twice, killing him in the process," the lawsuit states. "Upon a search of vehicle, the passenger was found with a black cell phone in his hand."

#### OFFICERS' RECORDS

Some of the defendant named in the lawsuits have brutality complaints in their internal affairs files.

Humberto Perez has been the subject of 26 complaints since 2007, eight involving gunfire and 10 alleging excessive abuse.

Other members of SRT and STOP named as defendants also have been

named in numerous excessive force complaints.

The legal section of the Miami-Dade Police Department and department spokesmen would comment on the lawsuits, citing the open investigation.

Attorney Edward R. Nicklaus, a partner at Nicklaus & Associates in Coral Gables who represents most of the officers named in the lawsuit, didn't return a phone call for comment by deadline.

However, he and the county attorney's have been vigorous in trying to get the Andrew lawsuit dismissed on qualified immunity and other grounds.

The county's amended motion in the case brought on behalf of Andrew said the plaintiff has fallen short in the claim of a pattern and practice of abuse by trying to connect other shootings.

"Plaintiff fails to identify a single prior incident involving a constitutional violation, much less a widespread practice that was so permanent and well-settled as to constitute a custom or usage with the force of law," Assistant County Attorney Erica Zaron said in the motion.

Nicklaus, in an April 22 motion to dismiss, said the officers were acting under the color of law, used reasonable discretion and are protected under qualified immunity.

The Gonzalez crew "was armed and dangerous and willing to use their weapons if the occasion arose."

The allegations of prior shootings involving special police teams and internal complaints are "immaterial, impertinent and scandalous," Nicklaus wrote.

Rundle's office filed a motion June 28 in the case brought by Andrew's family, seeking to quash a subpoena from the plaintiff to produce documents, including autopsy reports, related to its investigation into the shooting.

Assistant State Attorney Penny H. Brill told Graham that releasing the documents would have a "chilling effect" on the investigation.

"Some of the defendant police officers could have potential criminal liability," the motion reads.

John Pacenti can be reached at (305) 347-6638.

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