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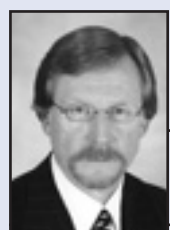
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JUSTICE COALITION'S VICTIMS' ADVOCATE

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A MOM ON A WIRE



Know Your Rights
 by Atty. Jay C. Howell

Most of us are aware that the suspect in a criminal case doesn't have to talk to the police. In fact, there are careful rules prohibiting law enforcement officials from continuing to interview a suspect after he has invoked his Constitutional rights.

But, what happens when the defendant makes incriminating admissions to other people? The courts then must decide whether the third party is an actual agent of the state - such as an incarcerated defendant cell mate who is asked by the police to interview the targeted suspect - or whether the statements made by the defendant are truly voluntary. In many cases, the accused tries to exclude any incriminating statements by maintaining that he did not voluntarily give the statements in question.

Recently, the courts in Seminole County were confronted with just such an argument. The defendant was charged with sexual battery upon his niece, a person less than 12 years of age. He was also charged with lewd or lascivious assault committed upon the same child. The jury found him guilty of a simple battery in regard to the first charge, but guilty as charged with respect to the lewd or lascivious count. He appealed his conviction to a higher court, arguing that the statements used against him at the trial were not voluntarily given.

Here's what happened in the investigation. When the parents of the victim discovered what the suspect was doing to their daughter, they contacted the police. Although the law enforcement authorities attempted to question the suspect both here in Florida and in Virginia, where he had traveled after the parents discovered his behavior, the suspect declined to be interviewed and referred the authorities to his lawyer. Eventually the suspect returned to Florida, at which point the Seminole County Sheriff's Office suggested to the mother of the victim that she confront the suspect about the allegations while she was wearing a sound transmission device. She agreed.

The mother went to the suspect's home and knocked. When he answered the door, he appeared to be happy to see her and invited her inside. The suspect and the mother of the victim enjoyed a close family relationship before the question of his behavior with his niece arose. Once inside, the victim's mother aggressively interrogated

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85-year-old beaten, throat slit Vicious assault destroys her independence

By Shirley Shaw

At 85 years old, Mabel Clyatt was doing very well. She lived alone in the comfortable Arlington home that she and her retired-military husband had bought in the early 70s. He died two years ago, but she still maintained the home, drove anywhere she pleased, did her own banking, shopping and cooking.

Last November Ms. Mabel decided to get help with housecleaning chores, so on the recommendation of a friend she hired "Jeanie." Before long, a few items here and there went missing, and Ms. Mabel told her she would no longer need her services. Two or three times after that Jeanie came by asking for money or to do odd jobs, but Ms. Mabel always told her "no" and never let her in the house.

On Jan. 12, Ms. Mabel had gone out to renew her driver's license. She returned home and, before leaving again to run more errands, was eating a bite of breakfast when the doorbell rang. It was Jeanie, wanting to come in, but Ms. Mabel said, "I can't let you in. You're a thief, you've taken things from my house and I want you to leave."

When she refused to go, Ms. Mabel said, "If you don't go, I'll call the police." That seemed to infuriate Jeanie, who pushed her way in and grabbed Ms. Mabel around the waist. The small elderly woman said, "What are you doing? Let me go." But Jeanie pushed her to the floor and sat on her (she weighed about 100 pounds more than Ms. Mabel), then grabbed a nearby vase and hit her on the head, knocking her unconscious.



Ms. Mabel Clyatt

After about five hours, Ms. Mabel finally came to and realized she was lying in a pool of blood and that her head and throat hurt. She didn't have the strength to get up, so she dragged herself to the bedroom to retrieve the alarm signal she usually wore around her neck. She had removed it, however, when she left the house earlier and now could not reach it on the dresser where she had placed it.

She tried to call 911, but the telephone wires had been cut,

85-YEAR-OLD VICTIM... CONTINUED ON PAGE 4

The Law Enforcement PIE: Prevention, Intervention and Enforcement



From the Sheriff's Desk
 Sheriff John Rutherford

I'm often asked my opinion on a variety of subjects. Obviously, as a career law enforcement professional, my respect for the law, and respect for those who are sworn to protect and serve, is part of the foundation on which I have built my beliefs and my life.

As your elected Sheriff, I also know that I don't get to pick the issues...they pick me. I draw on my experience and knowledge to make very difficult decisions every day. I also draw on my faith, and my belief in the goodness of all creatures made in His image.

That is why I talk about the PIE... the Law Enforcement PIE. **Prevention, Intervention and Enforcement.** If we don't have all of them, then none of them will work.

We arrest people who break the law. That's what we are sworn to do. We work with the rest of the criminal justice system, especially prosecutors, to make sure that good cases move forward, while protecting people's rights. And when juveniles with lengthy criminal histories that include violent crimes are re-arrested for increasingly violent felonies, I support prosecuting them as adults.

In this profession we know that without proper guidance and intervention, small crimes and small mistakes can become big ones. As former Director of Corrections I know that drug and alcohol addiction and mental health issues are among the most compelling reasons why people commit crime or have interactions with police.

That's why we created the **Habitual Misdemeanor Offender** law, adopted by the Legislature and implemented statewide. It imposes sentencing guidelines for those who re-offend a lot. They are sentenced to enough time where successful treatment can be obtained, in jail or out of jail. It has proven to reduce

recidivism. This is intervention as a result of proper enforcement.

There is a Duval County Public School in the jail. It works. It helps set people back on the path to productive life when they return to the community. This is intervention.

But I want intervention to occur BEFORE someone offends. That is PREVENTION. That is why I am so proud of our Police Athletic League and its many success stories - the youth of this community who have raised their grades and FCAT scores, learned sportsmanship and citizenship, and been mentored and helped by our staff.

I think it would surprise citizens to know just how engaged our officers are, day in and day out, with young people. Beyond our Police Athletic League.

We know that we play a vital role in helping to raise a generation of boys and girls who handle their problems without violence. We are building relationships and earning trust. Ask any of our School

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