

IN THE SUPREME COURT OF FLORIDA

IN RE:

STATEWIDE GRAND JURY

CASE NO: SC09-1910

_____ /

SECOND AMENDED PETITION FOR ORDER TO IMPANEL
A STATEWIDE GRAND JURY

Petitioner, Charlie Crist, Governor of the State of Florida, pursuant to Florida Statute §905.33, respectfully petitions this Court for an order to impanel a Statewide Grand Jury and states:

1. This Court has jurisdiction of this matter pursuant to Florida Statute §905.33 which provides:

Whenever the Governor, for good and sufficient reason, deems it to be in the public interest to impanel a statewide grand jury, he or she may petition in writing to the Supreme Court for an order impaneling a Statewide grand jury.

2. Pursuant to Florida Statute §905.36, Petitioner has consulted with the Statewide Prosecutor who will serve as the Statewide Grand Jury legal adviser.

3. After consultation with Florida's twenty State Attorneys, the Statewide Prosecutor, local law enforcement agencies and the Florida Department of Law Enforcement, Petitioner recognizes the ongoing harm caused by crimes committed

by local and state public officials while acting in their official capacity. Public officials have abused their powers gained by virtue of their position. A need exists to examine this type of criminal activity and identify whether Florida's prosecutors have sufficient resources and statutes to effectively combat corruption in Florida's communities. For good and sufficient reason, Petitioner deems it to be in the public interest to review this type of criminal activity among local and state officials acting in their official capacity.

4. These crimes are of a multi-circuit nature, occurring in two or more judicial circuits.

5. Where public corruption crimes often are committed within single circuits, the underlying reasons for corruption in our government and the statutes used to combat corruption apply throughout the State of Florida. As such, a Statewide Grand Jury is an appropriate vehicle to identify any deficiencies in current laws, punishments or enforcement efforts and to make detailed recommendations to improve our anti-corruption initiatives.

6. Pursuant to Florida Statutes §905.33 and §905.34, the jurisdiction of the Statewide Grand Jury shall extend throughout the State to investigate crimes, return indictments, make presentments and otherwise perform all functions of a Statewide Grand Jury. The Statewide Grand Jury should examine and evaluate public policy issues regarding public corruption and develop specific

recommendations regarding improving current laws. The Statewide Grand Jury should avoid any conflict with existing and ongoing investigations into allegations of corruption by the various State Attorneys and/or United States Attorneys in Florida.

7. While the Statewide Grand Jury has the authority to issue indictments, any criminal matter committed within a single circuit arising out of the Statewide Grand Jury review should be referred to the appropriate state attorney of the circuit involved for prosecution.

8. The general crimes or wrongs under the subject matter jurisdiction of the Statewide Grand Jury to be inquired into include the following offenses enumerated in Florida Statute §905.34:

(1) Bribery; Burglary; Carjacking; Home-invasion robbery; Criminal Usury; Extortion; Gambling; Kidnapping; Larceny; Murder; Prostitution; Perjury; and Robbery;

(2) Crimes involving narcotics or other dangerous drugs;

(3) Violations of the provisions of the Florida Racketeer Influenced and Corrupt Organization Act (RICO), including any offense listed in the definition of racketeering activity in Florida Statute §895.02(1)(a), providing such listed offense is investigated in connection with a violation of Florida Statute §895.03 and is charged in a separate count of

an information or indictment containing a count charging a violation of Florida Statute §895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of Florida Statute §895.03 is terminated for any reason, including but not limited to the following offenses: Unlawful compensation for Official Behavior, Corruption by Threat against a Public Servant, Official Misconduct, Bid Tampering, Falsifying Records, Misuse of Confidential Information and Money Laundering;

(4) Violations of the provisions of the Florida Anti-Fencing Act (Florida Statute §§812.02-812.037);

(5) Violations of the provisions of the Florida Antitrust Act of 1980, as amended;

(6) Violations of the provisions of Chapter 815, Florida Statutes, Computer-Related Crimes;

(7) Any crime involving, or resulting in, fraud or deceit upon any person;

(8) Violations of Florida Statutes §847.0135, §847.0137 or §847.0138, relating to computer pornography and child exploitation prevention, or any offense related to violations of §847.0135, §847.0137 or §847.0138, or any violation of Chapter 827 where the crime is

facilitated by or connected to the use of the Internet or any device capable of electronic data storage or transmission;

(9) Criminal violations of Part I of Chapter 499, Florida Statutes;

(10) Criminal violations of Florida Statutes §409.920 or §409.2901;

or

(11) Any attempt, solicitation or conspiracy to commit any of the crimes enumerated above.

9. The Statewide Grand Jury's investigation is not limited to any particular region of the State. However, pursuant to Florida Statute §905.37(2), Petitioner requests that in the interest of convenience to prospective grand jury witnesses, law enforcement officers and others, a single circuit should be designated as the base operating area, with prospective jurors to be drawn from jury lists from neighboring circuits.

9. Pursuant to Florida Statute §905.33(2), Petitioner respectfully requests that Chief Justice Quince designate a circuit court judge to preside over the Statewide Grand Jury.

Dated this _____ day of _____, 2009.

CHARLIE CRIST
GOVERNOR

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

ROBERT R. WHEELER