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IN MY OPINION

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Changes to bill on DNA testing a real injustice

Simplicity, in art, may be the height of sophistication, but in politics, power too often accrues to those with the talent to turn the straightforward into masterpieces of complexity.

Justice is an abstract concept, but it's also a starkly simple one: Guilty people belong in jail; innocent people do not.

Leave it to a few in the state House to muck it all up. A handful of legislators are trying to weaken a bill that would make it easier for the wrongly imprisoned to be set free.

In the beginning, House Bill 61 was a refreshingly simple thing. The house companion to a Senate bill, it was supposed to allow Florida inmates the right to prove their innocence with a DNA test.

It has become a struck-out, underlined, hyper-edited mess that should embarrass anyone who cares about the truth.

The last-minute changes to the bill have stunned both Republicans and Democrats who are working to lift a deadline on DNA testing statewide and frustrated those who work with the wrongly accused.

"It boggles the mind why some people want to make such an easy concept extremely difficult," said state Sen. Alex Villalobos, the Miami Republican who has championed a similar bill in the Senate.

VOTE SLATED FOR TUESDAY

Most of the changes in the bill, scheduled for a vote Tuesday, are needless. But among the most troubling is one that would affect those prisoners serving long sentences because they've been accused of other crimes.

Under the proposed changes, those prisoners would not be allowed to get a DNA test to prove they are innocent of those other crimes and have therefore been wrongly sentenced to long prison terms. The changes could conceivably send the getaway driver to the electric chair while the triggerman gets life.

Rep. Don Brown, the Defuniak Springs Republican, said he made the changes to prevent prisoners from "abusing" the court system.

Where's the abuse? If anything, Brown's changes allow the system to abuse the prisoner by keeping him in jail longer for crimes he didn't commit. The new language also, incidentally, abuses the taxpayer, who is paying to keep a prisoner in jail who shouldn't be there.

All this rhetoric about "court system abuse" is getting old anyway. Whatever costs are associated with clearing people's records are negligible compared to the costs of keeping an innocent person in jail — from the financial burden on tax payers, to the moral burden of thwarting justice while real criminals go unpunished.

As Jenny Greenberg, director of the Florida Innocence Initiative, said: "I'm fixing the mistakes. I'm not making the mistakes."

'A SEARCH FOR TRUTH'

The Florida Innocence Initiative, which has used DNA evidence to help clear wrongly accused prisoners in the state, receives no taxpayer money for its bare-bones operation and is too terrified to ask for any, afraid that doing so would doom the DNA bills. How sad is that?

Greenberg, the only attorney with the project, has often gone without a salary to pay the bills. The Florida Innocence Initiative's entire yearly budget has never been higher than \$100,000, and that includes the costs of the DNA tests themselves. The project recently received a grant from the Florida Bar Foundation that will allow it to hire two more lawyers and a social worker.

"DNA testing is just a search for truth," Greenberg pleaded. "There are no machinations going on. No one needs to be afraid of this."

It's all very simple: Either a crime is committed or it's not. In the past, this simple idea was often difficult to prove. Increasingly, thanks to DNA technology, it's become pretty easy.

Except, of course, when it gets into the hands of someone determined to make it needlessly complicated.

SOUTH FLORIDA, U.S.A. BY NICHOLAS SPANGLER



NURI VALLBONA / MIAMI HERALD STAFF

'YOU CAN ALWAYS FOLLOW THE THREAD BACK.' Just before sunrise on South Beach, Marc Fest photographs a flock of birds. He started his sunrise website when a bout of illness reminded him of the value of simple pleasures.

SUNRISE SNAPSHOT

IN THE BEAUTY OF THE NEW DAY, A MAN DISCOVERS WHAT PEOPLE ARE ANTICIPATING

When it got half-light, Marc Fest walked out onto the beach at Eighth Street on Miami Beach and dug his tripod down. He was going to make a video of the sunrise and upload to his website, so that others more late-rising might share its radiance.

He does this almost every day. He started aftersunrise.com last month, after he had sur-

gery for thyroid cancer and realized the worth of a simple pleasure.

Fest's friends, back in his native Germany, assured him that the site is "awfully corny" and took it as damning evidence of his Americanization. But he persists, not much daunted.

"When you look back to this, in the middle of the day, it will seem like days ago," he said. "It's

something you can always reach back to, like a stake in the labyrinth — you wander through your day but you can always follow the thread back. You won't get lost."

The ocean was gray and turbid under the wind. The sun started to rise. A fat cloud dead ahead refracted its light until the disk itself was

•TURN TO SPANGLER, 2B

NORTH MIAMI

City cracks down on rentals that allow squalid conditions

■ As North Miami continues getting tough on conditions in rental apartments, residents say they're paying high rent for faulty appliances and leaking water because other places are even more expensive.

BY TIM HENDERSON
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The 40-year-old Arlington Arms Apartments on Northeast 125th Street may look nice from the street, but the guts of the place are falling apart, North Miami officials said Friday.

"On the outside, aesthetically this one is all right," said Mark Collins, the city's public works director, during a multiagency "raid" by police, housing, fire safety and health inspectors.

•TURN TO RAIDS, 6B



NURI VALLBONA/MIAMI HERALD STAFF

TRASH: North Miami Police Sgt. Cristina Casas shows how residents were throwing their trash from units at 12501 NE 13th Ave. The city is telling landlords to clean up their act and apartments.

COCONUT GROVE PLAYHOUSE, 3B

LUCIE ARNAZ PLAY TO DEBUT

'Sonia Flew' opens Friday at the Grove playhouse after almost being canceled.

MIAMI-DADE COUNTY, 4B

FIGHTING THE BLUE-TARP BLUES

A new organization offers help to homeowners still with blue-tarped roofs.

HURRICANE SEASON, 5B

GOAL: KEEP WATER OUT

Expert says keeping buildings dry helps minimize damage caused by hurricanes.

MIAMI-DADE

Transit hiring process checked

■ The Miami-Dade inspector general is trying to determine how a woman wanted on criminal charges landed a security supervisor's job in the transit agency.

BY LARRY LEBOWITZ
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Miami-Dade Transit allowed a Pembroke Pines woman to work for nearly 11 months in a sensitive security post before realizing that she left her last job at a Hollywood hospital under a cloud: She was allegedly nabbed on camera lifting \$800 in cash from a safe.

Today, Transit Director Roosevelt Bradley finds himself at the center of an inspector general's investigation into the circumstances surrounding the hiring of Beatrice Fullington, 50, first as a temporary employee in January 2005 and then as a full-timer in October.

Citing "accusations of inappropriate and potentially unlawful hiring practices," County Manager George Burgess has taken the rare step of suspending Bradley's power to hire and fire personnel at the 4,000-employee agency.

•TURN TO TRANSIT, 2B

MIAMI-DADE

2 arrested for alleged escape aid

■ Two women were arrested in connection with the escape of fugitive Carlos Garay, who police say hid in one of the women's storage warehouse.

BY YUDY PINEIRO
AND DAVID OVALLE
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As the hunt for fugitive Carlos Garay intensified on Friday, detectives arrested two women they say helped the accused rapist after he escaped by stealing an unmarked police car while in handcuffs.

Police charged Garay's girlfriend, Giannandrea Gonzalez, 35, and her friend, Lucelena Slyper, 43, with harboring a fugitive.

The two allegedly hid Garay in a warehouse Slyper rents to raise tropical fish.

"What's wrong with these broads? There can't be anything that great about this guy," said Phil Clark, who rents her the warehouses and land behind his West Kendall house.

While handcuffed, Garay on Thursday morning drove off in an idling unmarked Miami-Dade police car, leading officers on a chase after the Dodge Intrepid.

He was being arrested for two burglaries and sexual batteries in Southwest Miami-Dade. The car was recovered later with a sidearm, handcuffs and stun gun still inside.

The FBI and agents from the

•TURN TO FUGITIVE, 2B