



IN MY OPINION
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Narrow case seems to protect BSO power boys

Something's missing from Courtroom 6870. Jurors hearing the drone of testimony Wednesday must have been dumbfounded. They've been confronted with a desiccated version of the Powertrac scandal, the essence extracted like the juice from a plum. A top-down institutional failure within the Broward Sheriff's Office has been reduced to an inscrutable third-degree felony case against Deputy Christian Zapata.

Two years ago BSO was rocked by revelations that its deputies — under immense pressure from the brass — fabricated favorable arrest statistics and cleared cases. The deputies down below did what they thought they had to do to maintain the fiction that Broward Sheriff Ken Jenne's operation was the most efficient crime-busting police outfit since the Untouchables.



ZAPATA

And the sheriff happily employed the results of their deceptions to sell his services to Broward municipalities. Jenne dazzled officials with Powertrac's dodgy numbers and convinced city commissioners to jettison their bumbling police departments and hire his supercops.

NUMBERS 'TOO GOOD'

Of course, as a 30-year BSO veteran outside the courtroom noted, "Any street cop knew those numbers were too good to be true."

Not much of that larger truth has seeped into the narrow criminal case that opened against Deputy Zapata Wednesday — a prosecution that seemed crafted to protect BSO's power boys from culpability. Those guys really are the Untouchables.

But what's left of the case, which was teetering on the edge of a mistrial Wednesday afternoon, may not make much sense to a jury.

The stripped-down Zapata prosecution will hang on the testimony of a troubled teenage delinquent who told investigators that Detective Zapata falsely attributed a number of petty crimes to him. The kid wasn't charged with those crimes, but the prosecution argues that the false confessions allowed Zapata to clear a number of unsolved thefts from the books.

But something's missing. Criminal trials explore wrenching human trauma. They feature victims who demand juror sympathy. They connect crimes to criminal motives.

Neither element — victim or motive — was much in evidence Wednesday. The kid supposedly saddled with the unsolved crimes was never actually prosecuted in those cases. The victim, of course, was an amorphous public. The particular hurt the public suffered, however, will remain an elusive abstraction without jurors learning how the sheriff used the fake stats to hoodwink city officials into signing BSO contracts.

MOTIVE HARD TO GRASP

Motive in this case has been even more difficult to grasp. It was the district chiefs, not deputies like Christian Zapata, who collected the salary boosts when their Powertrac numbers dazzled the suits.

Instead the trial unfolded Wednesday with a mind-numbing deconstruction of BSO's so-called Investigative Action Reports.

There was chain-of-custody fight over the reports. A potential mistrial arose over whether the defense attorneys were ever furnished the originals. And whether the prosecution could prove whether that was actually Christian Zapata's signature scrawled at the bottom of a page.

"What we have here is a prosecution in search of a case," Zapata lawyer Alberto Milian said acidly.

What we have here are prosecutors in dire need of grisly photos of a bloody corpse and a weeping widow to put on the witness stand. They need a clear motive to hang around Zapata's neck.

In the corridor outside the courtroom, two grizzled BSO deputies suggested a simple defense strategy. "Just ask who got the bonuses."

"Was it the deputies?"

"Or was it the brass?"

LEGISLATURE | DRUNKEN DRIVERS

DUI-GUY on license plate?

Convicted drunken drivers may soon be forced to buy special license plates that brand them as DUI offenders.

BY EVAN S. BENN
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TALLAHASSEE — Some motorists convicted of DUI would be required to buy bright-colored license plates that identify them as drunk-driving offenders, under a bill that passed a key committee in the Legislature on Wednesday.

The bill, which passed the House Criminal Justice Committee on a 6-1 vote, would apply to con-

victed DUI offenders who get approval to continue driving because they have "hardship" exemptions, such as an inability to get to work otherwise.

About 12,000 drivers convicted of DUI in Florida each year are issued the exemptions.

A similar bill failed to pass the Legislature in 2004, but the current legislation may have better luck because some of its language has been tweaked, said state Rep. Ari Porth, a Coral Springs Democrat.

The 2004 bill would have allowed police officers to pull over cars with the DUI license plates,

even if the officers had no probable cause for a traffic stop.

"That was a very controversial part of the old bill," said Porth, who voted in favor of the new one Wednesday. "With that part taken out, I think [the bill] has a far better chance of progressing."

But the head of Florida's American Civil Liberties Union chapter objected Wednesday, saying the bill would do nothing to keep drivers safe.

"Forcing people to drive around with a scarlet letter on their license

INSIDE

GUNS-TO-WORK BILL STALLS

The National Rifle Association offered "concessions" in an effort to move a controversial bill that would let Floridians store guns in their cars at work. Among the proposals: Letting employers ban guns in cars if they create gun rooms and have employees check their weapons upon arrival. Business groups opposed the bill, which stalled in committee. **Story, 8B**

*TURN TO DUI, 8B

HOMELESS MURDER CASE



PHOTOS BY MARSHA HALPER / MIAMI HERALD STAFF

ARRAIGNMENT: Billy Ammons, left, with lawyers George Reres and Michael Rothschild; Tom Daugherty, center, guided by Deputy

Ernest Murray, and Brian Hooks, at right with attorney Jeremy Kroll, deny murdering a homeless man and clubbing two others.

Teens deny guilt in killing

Three young men pleaded not guilty on Wednesday to charges of beating up two homeless men and killing a third.

BY SARA OLKON AND NIKKI WALLER
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Three slight teenagers in prison jumpsuits sat silently in shackles Wednesday as attorneys entered not guilty pleas on their behalf.

Six weeks after Norris Gaynor was beaten to death on a Fort Lauderdale park bench, observers and players in the legal drama gathered in a Broward County courtroom to hear those pleas, and to watch the legal process grind forward.

Among those watching was Diane Franklin, mother of William "Billy" Ammons, who is among those charged. Spying his mother in the courtroom, Ammons bit his lip and began to cry. She mouthed the words, "I love you."

Prosecutors say that Ammons of Fort Lauderdale, along with Tom Daugherty and Brian Hooks, both of Plantation, are guilty of first-



SITTING IN JUDGMENT: Judge Cynthia G. Imperato heard teens' not guilty pleas.

degree murder in the death of the 45-year-old artist and homeless man. The three also pleaded not guilty to attempted murder for the bludgeoning of two other homeless men, Jacques

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OTHER BEATINGS: POLICE ARE ALSO INVESTIGATING THREE OTHER ATTACKS ON HOMELESS MEN, 2B.

Pierre, 58, and Raymond Perez, 49.

Defense attorneys, who have not yet seen the evidence gathered by prosecutors, are left to point fingers at the other teenagers and hope no more victims come forward.

Fort Lauderdale police have compiled reports of similar beatings of homeless people, but have not yet charged the teens in any other attacks.

If Daugherty is not implicated in other beatings, his attorney said it will be somewhat easier to make the case that Daugherty played a small role in the Jan. 12 attacks.

Daugherty's mother was in Circuit Judge Cynthia G. Imperato's packed courtroom

*TURN TO HOMELESS, 2B

SCHOOLS

Roots, commitment run deep for Broward's principal of year

The Broward school district honored its top principal and assistant principal at a ceremony Wednesday night.

BY HANNAH SAMPSON
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When Joel Herbst was 2, his mother Paula would take him to watch football games at South Plantation High, where she was a teacher.

On Wednesday, she beamed with pride as her son, now 38 and principal of that same school, was named Broward's principal of the year in a ceremony at the Signature Grand in Davie.

"It was just amazing that he became principal of the school where he was when he was 2," said Paula Herbst, who teaches at Atlantic Technical High.

"What are the chances of that happening?" asked his father, Harvey Herbst.

Principal at South Plantation since 1999, Joel Herbst is known for his annual Back to School Barbe-



CANDACE WEST / MIAMI HERALD STAFF

THE WINNER! Joel Herbst is congratulated by 2005 winner Michaela Pope, left, and finalist Valerie Smith Wanza.

cue, where he flips burgers for his teachers and staff on the day before students return to school.

Herbst said that is an example of the "servant leadership" he prac-

tices. He was credited Wednesday for forming business partnerships,

*TURN TO ACCLAIM, 2B

HEALTH

HIV cases on the rise in Broward

New AIDS cases in South Florida decreased in 2005, after a sharp increase the year before, but HIV infections in Broward rose.

BY JACOB GOLDSTEIN
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The number of new AIDS cases in Broward and Miami-Dade counties fell last year, but new cases of HIV increased in Broward while they were down in Miami-Dade, according to the Florida Department of Health.

Jolene Mullins, who works on early intervention strategies for Broward County's AIDS program office, said apathy has become one of the major problems in fighting HIV/AIDS.

"We've got a community that's very complacent about HIV infection," she said. "It's not in our face anymore... We don't see people walking around with such horrific effects of HIV

*TURN TO HIV CASES, 6B

BROWARD, 2B

ARREST IN HIT-AND-RUN

A woman was charged in a Tamarac incident that injured a paramedic.

DEATHS, 4B

JILL FRASER, 59

Owner and artistic director of small but influential Watermill Theater in England.

BROWARD PLUS, 6B

REPORTS SLAM JAIL

Conditions at Miami-Dade jail system are 'beyond repair,' report says.



The Miami Herald

NOTE: This article is exactly as written for The Miami Herald; however, its presentation has been modified to fit this particular arrangement.

BROWARD & STATE B

The Miami Herald

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HOMELESS ATTACKS | INVESTIGATION

Police pursue 3 other assaults

BY ASHLEY FANTZ
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Fort Lauderdale police on Wednesday released reports of three other attacks on homeless men.

Spokeswoman Kathy Collins said all three cases are inactive, pending further developments, and no one has been charged.

• **Nov. 28, 2005:** David Worth, 29, was sleeping in Fort Lauderdale's Esplanade

Park when two men started beating him. Police found an aluminum Louisville Slugger baseball bat floating in the fountain. Police took Worth to a hospital for treatment of a deep cut on his head. Two other men told police that night that they were chased by two men with a bat, but weren't injured.

• **May 11, 2005:** Covered in blood, Sean Schaffer, 35 flagged down a Fort Lauderdale

officer at a Shell station on East Sunrise Boulevard. A homeless man who has worked day labor jobs, Schaffer told police he was leaving The Cubby Hole, a club in Fort Lauderdale, when he was attacked from behind by two people he didn't see. His attacker hit him with a brick, a report states. Schaffer was taken to the hospital for stitches.

• **Aug. 7, 2005:** Lewis

Loshaje, 60, told Fort Lauderdale police a black male hit him from behind with a glass bottle on West Broward Boulevard. Loshaje, who has poor eyesight, didn't get a good look at his attacker and refused to prosecute. Police are looking for all three victims, and ask anyone with information to contact Detective Edward Harmon at 954-828-6561.

Miami Herald staff writer Wanda J. DeMarzo contributed to this report.

HOMELESS ATTACKS | JUSTICE SYSTEM

Court packed as teens deny guilt

*HOMELESS, FROM 1B

Wednesday as well. Bridget Daugherty looked at her son, who won't turn 18 until November, and used sign language to tell him she loved him.

New charges notwithstanding, Assistant State Attorney Brian Cavanagh will have to persuade jurors that the teens attacked Gaynor with the intention of killing him.

Hooks and Ammons, both 18, could face the death penalty. Daugherty, who is 17, will be tried as an adult, but is too young to be sentenced to death.

All three defense teams, while quick to minimize their own clients' roles, stress that no one intended to kill Gaynor.

"It was something more akin to teenagers being foolish" that led to tragedy, said assistant public defender George Reres, who, along with Michael Rothschild, is defending Ammons.

Another witness, Jeff Phoenix, reportedly told investigators he saw just two teens — Hooks and Daugherty — in the park around the time of



MARSHA HALPER / MIAMI HERALD STAFF

FACING JUDGE: Wearing orange jumpsuits, teens Billy Ammons, left, Tom Daugherty and Brian Hooks sit in Judge Cynthia Imperato's courtroom during arraignment.

the attack on Gaynor.

Michael Gottlieb, Daugherty's attorney, concerned about the intense publicity, said he plans to request a change of venue. Daugherty has "the weight of the world on his shoulders," said Gottlieb. "It's a hard position for a young man."

No family members appeared for Hooks, who stared straight ahead, his jaw clenched. His attorney, Jeremy Kroll, said Hooks' parents completely support their

son, who is very troubled by what happened.

"It's a period of great reflection for him," Kroll said.

Herald staff writers Wanda J. DeMarzo and Ashley Fantz contributed to this report.