

<sup>10</sup> <sup>MW/HW</sup> State

<sup>29 Sept 82</sup> drops

# Tick-Talks charges

## Reno takes blame for tape ruling

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Prosecutors Tuesday dropped charges against 28 defendants in Operation Tick-Talks, formally ending the massive drug-trafficking investigation in failure.

The charges were dropped after the Dade state attorney's office announced it would not appeal a circuit judge's order throwing out the wiretap evidence that formed the heart of the year-long probe.

"To appeal would only incur further expense to the taxpayers of Florida," Dade State Attorney Janet Reno wrote in a statement read by an assistant.

In dropping the case, Reno sought to deflect criticism from the Miami Police Department, whose officers conducted the wiretaps that were thrown out.

The state attorney's office, Reno said, was responsible for asking for the wiretaps and supervising them, and prosecutors believed the taps were legal.

Detective D.C. Diaz, who signed the wiretap applications, and other Miami police "who diligently investigated this case should not be subject to censure for following the advice and recommendations of the state attorney's office, to whom they turned for legal guidance," Reno added.

Reno's announcement came 10 days after Judge Gerald Kogan threw out 1,000 hours of recorded wiretaps of conversations among Tick-Talks defendants. Kogan held that police and prosecutors had ignored the requirements of a state law designed to make electronic eavesdropping a tool of last resort for law enforcement.

Operation Tick-Talks — so called because a surveillance device in the case was hidden in a clock — attracted wide publicity because of the number of defendants, the overtones of international intrigue and the exploits of a terrorist-turned-informant

named Ricardo (Monkey) Morales, who started the investigation by going to Miami police and Dade prosecutors.

In all, 53 arrest warrants were issued last summer. The number of defendants was pared to 28, including Carlos Quesada, a onetime drug informant alleged to be the hub of a drug-selling network, and Rafael Villaverde, a controversial anti-Castro activist and influential figure in the politics of Miami's Cuban community.

Villaverde disappeared in April. Friends reported he had vanished in a boating accident.

During the eight-week-long hearing on whether the tapes could be used as evidence, prosecutors conceded some violations

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of Florida's wiretapping law, but said the infractions didn't merit throwing out the evidence.

Reno, in her statement Tuesday, said she still disagreed with Kogan's conclusions. "We believe that an adequate legal basis exists upon which to appeal each and every one of the adverse findings and conclusions reached by this court," said her statement, read by Assistant State Attorney Ira Loewy.

Nevertheless, she said, the tough legal standard for overturning a trial judge's ruling to suppress evidence would make a successful appeal unlikely.

Prior state court rulings require appeals courts to presume that a

trial judge ruled correctly on evidence issues, and to view the appeal in the "light most favorable to the trial judge's conclusion," she wrote.

Kogan's ruling held the wiretap applications were flawed because they didn't fully disclose prior wiretaps of Quesada, a key defendant in the investigation. Florida law requires such disclosure, Kogan held.

The judge also held that police failed to exhaust alternate means of probing the alleged drug conspiracy before they asked for wiretap authorization. And Kogan found that police withheld information from Circuit Judge Thomas Scott, who granted the wiretap orders last year, concerning the terrorist past of Ricardo (Monkey) Morales.

The state based its claim that there was probable cause to place

the wiretaps on information supplied by Morales.

Another basis for Kogan's ruling was the failure of the police officers who did the taping to be bonded, as required by state law.

Reno has said her office is instituting procedures to insure that police who supervise wiretaps are properly bonded. Other changes in investigative procedure are under study, she has said.

Kogan's Sept. 16 order is highly critical of the probe. "It is obvious to this Court," he wrote, "... that from the beginning of this investigation the only thing that interested the police was getting a wire intercept order and they never intended to use conventional investigative techniques to see if they could 'make a case' prior to having to re-

sort to [wiretapping].

"Apparently, the police must have felt that it is much easier to sit and listen to telephone conversations in a hotel room than it would be to conduct the type of investigation that should properly be conducted before applying for an intercept order ..."

The Miami Police Department has made no comment beyond a terse statement, released in response to Kogan's order, that the investigators "did a professional and thorough job" in the case.

Mayor Maurice Ferre on Monday demanded a further response to Kogan's order, calling the police department statement "petulant" and "arrogant."