

Wiretap ruling toughens task for police

Mia News 18 Sept 82 col 1
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A judge's scathing denunciation of the "Operation Tick-Talks" wiretaps may make it harder for police and the State Attorney's Office to gain permission to use wiretaps in their investigations.

"One thing we have learned," wrote Dade Circuit Court Judge Gerald Kogan in an opinion, "is that we judges ourselves perhaps have made it a bit too easy to obtain wiretap interception orders."

In a 29-page opinion, Kogan then threw out over 1,000 hours of recorded conversation that was the chief evidence against 31 defendants in the case that took its name from an electronic bug in the home of suspected Miami drug trafficker Carlos Quesada.

Defense lawyer William Cagney called Kogan's ruling "a devastating indictment of the ineptitude of the City of Miami special investigations unit along with the organized crime unit of the State Attorney's

Office."

During eight weeks of sensational testimony about the bug in Quesada's clock, and about a half-dozen wiretaps, defense attorneys blasted the credibility of Ricardo (Monkey) Morales, admitted bomber and killer.

Morales was the informant whose tips were used by investigators to gain permission to use the bugs and taps that were the basis of the state's case.

But Kogan cited a half-dozen major faults in the conduct of the wiretaps, any one of which was sufficient to sink them legally.

Among the points made in Kogan's order were these:

✓ The state failed to tell Circuit Court Judge Thomas Scott, who signed the wiretap orders, anything about the background of Morales.

✓ Not even the simplest investigative procedures were used to corroborate the statements by Morales on which the wiretaps were issued.

✓ The office of State Attorney Janet Reno failed to tell Judge Scott

of prior requests for wiretaps on the same people, a basic requirement of the law.

✓ The Miami police officers who manned the wiretap intercepts were not properly bonded as state attorney investigators, a basic requirement of the wiretap orders.

✓ Police ran an unauthorized third tape recorder throughout the intercepts, failed to tell of its existence and then erased tapes made by it.

"It is obvious to this court ... that from the beginning of this investigation the only thing that interested the police was getting a wire intercept order," said Judge Kogan.

No less than 13 times in three years, Kogan said, the same police squad sought authorization from judges to listen in secretly on the conversations of Quesada.

But police and the State Attorney's Office failed to tell Judge Scott about some of these attempts, Kogan said. And, he added, when they did disclose several 1978 wire-

taps they didn't tell Scott these had later been suppressed by a judge.

Judge Kogan said police made no effort to use "simple investigative techniques" to test the reliability of claims by Morales that Quesada and others such as the late Raphael Villaverde, director of the Little Havana Community Center, were conspiring to smuggle cocaine and other drugs.

"He (Morales) was a man known to the police to sell his services to the highest bidder," Kogan wrote. "He was a man highly suspect among the law enforcement community."

In conclusion, Kogan wrote that the State Attorney's Office argued that "the spirit, if not the letter of the statute" had been satisfied.