




INTEROFFICE MEMORANDUM

TO: Katherine Fernandez Rundle
State Attorney

DATE: 8/23/11


FROM: Richard Scruggs
Assistant State Attorney
Public Corruption Unit

RE: Close-Out Memo
Michelle Spence-Jones
Case No. F09-37102

This case of State v. Michelle Spence-Jones, (case no. F09-37102) arose out of an unrelated investigation into illegal activities associated with the Miami-Dade Housing Agency and the County's efforts to provide affordable housing. In its early phases, the investigation was bifurcated into two separate investigations with the first investigation leading to criminal charges against Oscar Rivero, Raul Masvidal, and others; while the second investigation unexpectedly led to criminal charges against Reverend Gaston Smith and Michelle Spence-Jones for charges of Grand Theft of public money.

As part of this investigation, the financial records of the Black Business Association (BBA) were obtained and reviewed in the Fall of 2007. Investigators discovered in BBA'S checkbook that Michelle Spence-Jones had received three checks totaling \$8,000 from the BBA between August and September 2005, while Ms. Spence-Jones was running for a seat on the Miami City Commission. BBA employees were interviewed about the payments to Ms. Spence-Jones, and, according to these employees, Ms. Spence-Jones provided no work for these payments although they were allegedly for her assistance in planning a BBA event. In order to determine if the \$8,000 was used in Ms. Spence-Jones campaign in violation of State campaign finance law, investigators sought to determine where the checks had been deposited and if the funds had been used in her campaign without being reported. The investigation determined that the checks had been deposited into her personal bank account and were not used for her campaign. That investigation of Ms. Spence-Jones was closed.¹

However, in reviewing Ms. Spence-Jones personal bank account, as part of the prior investigation, it was discovered that Ms. Spence-Jones was receiving funds from a

¹ See Close-out Memorandum, dated June 12, 2009.

corporation called Karym Ventures, Inc. (Karym). Karym was a corporation started by Ms. Spence-Jones and several of her family members, while Ms. Spence-Jones was an official with the City of Miami, but before she was elected to the City Commission. At the time of this investigation in 2007 and early 2008, Ms. Spence-Jones had already been elected as the Commissioner for District 5 and had been in office since November 2005. The corporate banking records of Karym were then subpoenaed in order to determine the nature of its business and the source of its funds.

According to Karym's banking records, in February 2005, while Ms. Spence-Jones was a city official in the Mayor's office, the corporation received \$25,000 in public funds from then-Miami-Dade County Board of County Commissioners, Chairperson Dr. Barbara Carey-Shuler's discretionary account. The \$25,000, according to county records, were start-up funds for a proposed restaurant called Café Soul. Karym also received \$50,000 in March 2005 from the Metro Miami Action Plan Trust (MMAP), an entity funded by Miami-Dade County. Additionally, between April and July 2005, Karym had received \$4000 from an entity called Friends of MLK, Inc. (FMLK) and \$4000 from Friendship Missionary Baptist Church (FMBC). This \$8000 from FMLK and FMBC was subsequently paid by Karym to Ms. Spence-Jones. In the spring of 2008, a subpoena was issued to the Custodian of Records for Karym requiring the production of the corporate records of Karym, including invoices of all payments received. When investigators reviewed these records, it was discovered \$4000 from Friendship Missionary Baptist Church and the \$4000 from Friends of MLK, Inc. were both payments to Karym for "consulting" services allegedly performed by Ms. Spence-Jones to FMLK. Investigators also discovered that documents and invoices relating to the \$8000 from FMLK and FMBC were missing from Karym's corporate records. Several unsuccessful attempts were made to obtain the missing records from Karym's attorney; however, despite all efforts by investigators, the records to this date have never been turned over.

In August 2008, the corporate records of FMLK were subpoenaed from its Director, Pastor Gaston Smith. Additionally, the grant files relating to the \$50,000 grant to Karym were subpoenaed from MMAP. Analysis of these records, along with the interviews of dozens of witnesses, eventually resulted in two criminal cases. In State v. Gaston Smith (case no. F08-3920) Gaston Smith was charged with and convicted after a jury trial of Grand Theft of public money. In State v. Michelle Spence-Jones, (case no. F09-37102), the case which is the subject of the present closeout memorandum, Ms. Spence-Jones was charged with Grand Theft of public money.

The facts relevant to the criminal case against Ms. Spence-Jones began on September 23, 2004. On that date, the Miami-Dade County Commission held a budget meeting to determine how county funds should be allocated in fiscal year 2005. Shortly before the public meeting, Chairperson Dr. Barbara Carey-Shuler had a meeting in her county office with MMAP officials and told them that she was going to "recommend" that MMAP award grants to three separate entities: (1) Friends of MLK, Inc. (FMLK), Timbuktu Marketplace (Timbuktu), and Osun Village (Osun). Commissioner Dr. Carey-Shuler's "recommendation" became part of the county's budget at that night's

Commission meeting; however, no dollar amounts were included in the line item. According to MMAP officials, nothing like this had ever happened before. Under normal circumstances individuals submit grant applications on their own behalf or on the behalf of their organization to MMAP, the applications are reviewed by members of MMAP's staff, presentations are made by the staff and the proposed grantees to the MMAP Board, and finally the MMAP Board votes on whether or not to fund the grant. Commissioner Dr. Carey-Shuler's "recommendation" voided this entire process. Furthermore, MMAP officials have stated that the "recommendation" from the Chairperson of the Miami-Dade County Commission was considered to be a directive and that neither the staff nor the Board ever believed that they had any choice about the three grants.

Processing of the three grants was assigned to Williams Simmons, MMAP's senior contract manager. Since the three grants as voted on by the County Commission had no dollar amounts, Mr. Simmons called Commissioner Dr. Carey-Shuler's office to determine the amount for each grant. He was told by a senior staff person in the Chairperson's office that each of the three grants should be for \$25,000. The MMAP Board approved the three grants on November 8, 2004 without even knowing which individuals would actually receive the funds. After the Board's vote, Mr. Simmons tried to determine who would sign the grant documents for each of the three entities since he had never heard of them and no application had been submitted to MMAP. During November and December, 2004, Mr. Simmons was unable to ascertain any of the individuals associated with FMLK, Timbuktu, or Osun. Meanwhile, on December 15, 2004, (after MMAP had approved the three grants) Karym Ventures, Inc. was incorporated by attorney Marlon Hill. Mr. Hill has testified in a sworn statement that he was called to the home of Michelle Spence-Jones and requested to file the incorporation papers for Karym since, according to Ms. Spence-Jones, Karym was about to receive a county grant from MMAP.

On or about January 3, 2005, Ms. Spence-Jones called William Simmons at MMAP to discuss who would be receiving the three grants. Mr. Simmons typed contemporaneous notes of his conversation with Ms. Spence-Jones concerning Karym's proposed project to open a restaurant at 4905 N.W. 7th Avenue called Café Soul. Mr. Simmons notes are as follows:

Café Soul

The Café Soul project is to be completed by contracting with Karym Venture as the oversight organization. The project appears to be structured as follows:

1. The overall project name is Osum (sic) Village. This appears to represent a portion of the Seventh Avenue corridor.
2. Karym Ventures is the organization that will oversee the development of Café Soul which will include the Timbuktu Market place

The upshot is that the Metro-Miami Action Plan will be contracting with Karym Ventures directly. I've requested information from Michel (sic) on the organization structure and principles of Karym Ventures.

Note: She advised me that she will place me in touch with the principles (sic) of Friends of MLK. She advised me that Pastor Gaston Smith is a likely principle (sic)²

According to Mr. Simmon's sworn statement, he was well aware of the close relationship between Commissioner Dr. Barbara Carey-Shuler and Ms. Spence-Jones; therefore, he believed that it was in the best interests of his continued county employment to, in his words, "make this happen." He requested that letters be provided from Timbuktu Marketplace and Osun Village indicating that the principals associated with those two entities supported Karym's obtaining the two \$25,000 grants. Additionally, Mr. Simmons requested a letter from Chairperson Dr. Carey-Shuler stating that she approved of the redirecting of the funds. In this regard, he drafted a proposed letter to be signed by Dr. Carey-Shuler and forwarded the proposed letter to Ms. Spence-Jones.³

On February 16, 2005, Mr. Simmons received three letters in support of redirecting to Karym, Timbuktu's \$25,000 grant and Osun's \$25,000 grant. Following Mr. Simmons' receipt of the three letters MMAP gave the \$50,000 to Karym Ventures. Those three letters constituted the heart of the theft allegations against Ms. Spence-Jones and will be discussed in detail.

The Timbuktu Marketplace Letter

Timbuktu Marketplace was the concept of artist, Marvin Weeks, for an Afro-Centric Marketplace in Liberty City. He had numerous conversations with Michelle Spence-Jones in the latter part of 2004 and early 2005 about being her partner at Café Soul to be located at 4905 N.W. 7th Avenue.⁴ The plan was that there would be a restaurant and art gallery on the first floor of the building and live-in quarters for artists on the second floor. Mr. Weeks knew Miami-Dade County Commissioner Dr. Carey-Shuler, and had received county grants through her assistance in the past for his artistic endeavors. However, he did not know that on September 23, 2004 Dr. Carey-Shuler directed MMAP to award a grant to Timbuktu Marketplace. Nor did he know that the MMAP Board had voted on November 8, 2004 to award him a \$25,000 grant.

In January 2005, Ms. Spence-Jones informed Mr. Weeks that \$25,000 was available to him for their joint Café Soul/Timbuktu Marketplace project. However, Ms. Spence-Jones told Weeks that a third organization would have to act as a "fiscal agent" to disburse the funds. Mr. Weeks understood the need for a fiscal agent because he had used such an entity for his previous grants. In fact, his fiscal agent had been Tools for

² Email of William Simmons, dated January 3, 2005.

³ Sworn statement of William Simmons, dated October 1, 2009.

⁴ This proposed partnership never went beyond the discussion stages.

Change, an organization run by a friend of Ms. Spence-Jones. Both the county and the city often use fiscal agents to disburse funds to individuals who have developed a business concept, but have not yet actually started any significant development. In this particular case, Ms. Spence-Jones told Mr. Weeks that she would arrange for the fiscal agent. That fiscal agent, unknown to Mr. Weeks, would turn out to be Karym. However, instead of disbursing the funds to Mr. Weeks and Timbuktu, Ms. Spence-Jones and Karym kept all of the money and disbursed nothing to Mr. Weeks.

On January 3, 2005, before Karym obtained the entire \$25,000 grant designated for Timbuktu, Ms. Spence-Jones offered her "public relations and marketing services" to Mr. Weeks for \$3000. Mr. Weeks has stated under oath that he ignored Ms. Spence-Jones' solicitation because she was a public official with the City of Miami, and the \$25,000 he was to receive was public funds. Accordingly, he believed such a payment would be illegal. On January 5, 2005, after Ms. Spence-Jones' solicitation for \$3000 in consulting fees was ignored, she sent an email to Mr. Weeks asking for his support for the Café Soul projects. He provided such a letter not knowing and never intending that Ms. Spence-Jones would utilize the letter to obtain Timbuktu's \$25,000 grant from MMAP. Ms. Spence-Jones submitted this letter to MMAP so that Karym would obtain the \$25,000 which the Miami-Dade County Commission and the MMAP Board had authorized for Timbuktu Marketplace.

Several months later, Mr. Weeks was still wondering when he would receive the \$25,000 grant. Much to his surprise, he discovered from research on the internet that Karym had obtained the \$25,000 grant instead of Timbuktu. Additionally, during the same time period in early 2005, Ms. Spence-Jones informed Mr. Weeks that the joint project between Café Soul and Timbuktu Marketplace would not occur. Mr. Weeks continually requested a contract or agreement with Ms. Spence-Jones and Karym for the project; however, she refused to provide one and ultimately Ms. Spence-Jones cancelled the entire project.

Finally, in the summer of 2005, Mr. Weeks confronted Ms. Spence-Jones about Karym's receipt of Timbuktu's \$25,000 grant. According to Mr. Week's sworn statement, Ms. Spence-Jones replied:

"Marvin, that is not your money. This is my money, the Commissioner intended me to have that money."⁵

The Osun Village Letter

As previously discussed, there was a second \$25,000 MMAP grant, directed by Commissioner Dr. Carey-Shuler, to be given to Osun Village. Osun Village is the concept of architects Harland Woodard and Nathaniel Stiles for the redevelopment of the N.W. 7th Avenue corridor between 54th and 58th Streets in an African-Caribbean design. Mr. Woodard and Mr. Stiles were planning the redevelopment through their corporation,

⁵ Sworn statement of Marvin Weeks, dated October 8, 2009.

Community Builders Holistic Development Corporation and through a related corporation, KDI/Architecture, Inc. The proposed Café Soul project was not located in the recognized boundaries of Osun Village.

To accomplish their proposals, the architects sought both public and private funds, and had dealt often with Commissioner Dr. Carey-Shuler in this regard. However, in the present case, similar to Mr. Weeks and Timbuktu, Mr. Woodard and Mr. Stiles knew nothing about Commissioner Dr. Carey-Shuler's directing MMAP to provide Osun Village a grant at the September 23rd budget meeting, nor did they know that MMAP had voted to award them a \$25,000 grant. A letter was prepared on the letterhead of Community Builders Holistic Development Corporation and was submitted to MMAP by Ms. Spence-Jones to support the diversion of the \$25,000 to Karym. Neither Mr. Woodard nor Mr. Stiles were aware of the fraudulent letter prepared on their letterhead until it was shown to them by prosecutors and investigators on September 11, 2009.⁶ They knew nothing about Ms. Spence-Jones and Karym obtaining the \$25,000 and did not prepare or authorize the unsigned letter on their stationery.

The Dr. Barbara Carey-Shuler Letter

The third letter submitted by Ms. Spence-Jones to MMAP in furtherance of Karym Ventures obtaining the two \$25,000 grants was a letter purportedly from Chairperson Dr. Carey-Shuler herself. Mr. Simmons had advised Ms. Spence-Jones and her attorney that he could not redirect the funds without "clarification" from the County Commission. He even drafted a proposed letter for the signature of Chairperson Dr. Carey-Shuler and provided it either to Ms. Spence-Jones or her attorney. Mr. Simmons then received a faxed letter, dated February 15, 2005, allegedly from Commissioner Dr. Carey-Shuler directing MMAP to "release the \$50,000 to Karym Ventures, Inc." Dr. Carey-Shuler's letter, which was rubber stamped and not personally signed, also referred to and was accompanied by the aforementioned Timbuktu and Osun Village letters.

After the receipt of these three letters from Ms. Spence-Jones (or through her attorney), Mr. Simmons submitted the redirecting of the \$50,000 to the MMAP Board which voted to redirect the funds to Karym for the Café Soul Restaurant/Gallery Demonstration Project. The funds were specifically allocated as follows:

- Consultants/Legal Fees \$6000
- Printing \$5000
- Construction \$39,000

The Office of the State Attorney left this matter open, without further investigation, for approximately one year based upon the apparent authorization by Commissioner Dr. Carey-Shuler of the redirecting of the \$50,000. Prosecutors and investigators believed that the activities of Dr. Carey-Shuler and Ms. Spence-Jones were

⁶ Sworn statements of Nathaniel Stiles and Harlan Woodard, dated September 11, 2009

examples of bad government to the extreme; however, based upon what was known at that time, it was unclear whether these activities could form a basis for criminal charges.

On September 10, 2009, Dr. Carey-Shuler came to the Office of the State Attorney, pursuant to a subpoena, to discuss the redirecting of the \$50,000 to Karym. Prosecutors expected to close the investigation if Dr. Carey Shuler confirmed that she had authorized the \$50,000 to Karym. She was accompanied by her former attorney, now Circuit Court Judge Milton Hirsch. In this initial interview, Dr. Carey-Shuler was shown all of the aforementioned documents, including the entire MMAP file. After viewing these documents, Carey-Shuler stated that she had intended the two grants to go to Timbuktu (Marvin Weeks) and Osun Village (Harlan Woodard and Nathaniel Stiles), that she had not signed or authorized the stamped signature on the letter of February 15, 2005 to MMAP, and never intended for Michelle Spence-Jones or Karym to receive the \$50,000. In fact, she expressed shock and outrage that Ms. Spence-Jones had used her (Carey-Shuler's) name to obtain the funds. Dr. Carey-Shuler and her attorney were then told by the prosecutor and investigators that no sworn statement would be taken at that time. Instead, Dr. Carey-Shuler was advised to come back in a week for a sworn statement. She and her attorney were expressly advised that if her statements were false, she would be prosecuted for perjury; however, if her statements were true, Ms. Spence-Jones would be arrested. Dr. Carey-Shuler consulted with her attorney over the next week and returned to the office of the State Attorney on September 18, 2009 for a sworn statement. Under oath, Dr. Carey-Shuler stated the following:

- She intended for Timbuktu Marketplace and Osun Village to get the MMAP grants;
- She was not aware that Michelle Spence-Jones had contacted MMAP in order to redirect these two grants to Karym Ventures;
- She not only denied writing the February 15 letter to MMAP, but also stated that it was not in her recognized style of writing;
- It was never her intent for Karym Ventures to obtain the grant funds.
- She could not redirect the programming of funds on her own. They would have to be reprogrammed by the full county commission;

Specifically, the following questions and answers occurred:

Q. Now in terms of the intent, because it says the letter serves as clarification of my (Carey-Shuler's) intent. Now we covered this a minute ago. But did you, in any way, intend for Karym Ventures to get the money from Timbuktu Marketplace and Osun Village?

A. Absolutely not. I intended for it to go to groups that I allocated it to at that budget meeting.

Q. Are you surprised by the fact that this money got reallocated apparently by her to herself using your name and your position?

A. Yes, I am surprised.

Q. Does it - -

MR. HIRSCH: Last week you used, discussing with me you said you were shocked.

THE WITNESS: Yes, because I thought, yes, I did say that because when I read that I was like in shock. This money was supposed to go to these organizations.

BY MR. SCRUGGS:

- Q. Is there any way as you sit here now that you would have allowed her to have this money?
- A. Not unless she made a request and came back before the board and somehow we would have reviewed her project, MMAP could have reviewed her project, to see whether she needed that money for her project. But additional money, you know, we wouldn't have taken it from these groups.
- Q. Well, it had, yeah, it would have to go through the ordinary course; is that right?
- A. That's right, ordinary course. But I would never have taken it from the groups I gave it to.⁷

Based upon Dr. Carey-Shuler longstanding reputation in the community, and faced upon the certainty of her sworn testimony, it was decided to proceed with the criminal case against Ms. Spence-Jones.

However, in October 2009, before filing charges, prosecutors and investigators wanted to make one further attempt to corroborate or refute Dr. Carey-Shuler's sworn statement. Her commission files were obtained by investigators and approximately sixty (60) boxes of documents were reviewed looking for any evidence relating to the redirecting of the \$50,000 to Karym including the letter purportedly from Commissioner Dr. Carey-Shuler. Investigators discovered Commissioner Dr. Carey-Shuler's copy of the February 15, 2005 letter with Dr. Carey-Shuler's stamped signature, as well as an empty file marked "Café Soul." Prosecutors and investigators all specifically remember that the "Café Soul" file was empty.

On November 13, 2009, based largely upon reliance on Dr. Carey Shuler's sworn statement, Michelle Spence-Jones was criminally charged and arrested for the theft of \$50,000 in MMAP and Miami-Dade County funds.

In order to maintain the security of the documents in the State's possession so that no documents would be lost, nor any documents added, each individual document was bated stamped. Discovery proceeded with the State providing Ms. Spence-Jones and her attorney with access to, and copies of, all of the documents in its possession. No documents were provided by Ms. Spence-Jones' attorney to the State despite reciprocal discovery requirements.

On June 21, 2010, Dr. Barbara Carey-Shuler was subpoenaed for a defense deposition at the Office of the State Attorney. During questioning by Counsel for Ms.

⁷ Sworn statement of Dr. Barbara Carey-Shuler, dated September 18, 2009.

Spence-Jones, two “newly discovered” documents that had never been given to the State, were produced which appeared to be two earlier drafts of the Dr. Carey-Shuler’s letter of February 15, 2005. These supposed drafts contained handwritten modifications to the original draft prepared by Mr. Simmons at MMAP. Dr. Carey-Shuler identified her handwriting; however, she stated that she had no recollection of preparing the letter. She also testified that, if she prepared the letter (which she did not recall), she must have approved the redirecting of the \$50,000 to Karym. According to Counsel for Ms. Spence-Jones, these new letters had been discovered in Commissioner Dr. Carey-Shuler’s “empty” Café Soul file.

Dr. Carey-Shuler was extensively questioned by the prosecutor about the newly produced draft letters. In summary, she testified, that:

- She did not recall writing the letter;
- She did not recall when it was drafted;
- She did not recall where she obtained the specific information which was included in the letter;
- She did not recall ever speaking to Michelle Spence-Jones about either the letter or the redirecting of the \$50,000;
- She did not even recall the issue of the redirecting of the \$50,000 ever being discussed by anyone; and that
- She could not confirm that the two drafts of the letter were ever contained in her official county files.

In fact, her entire sworn statement can be reduced to “it looks like my handwriting so I must have approved it.”⁸

After the surprise discovery of the two drafts of the Dr. Carey-Shuler letter, state investigators contacted the Custodian of Records for the Miami-Dade County Commission to inquire into the circumstances surrounding how Ms. Spence-Jones and her attorney made such an important discovery. Documents (sign-in logs, etc.) and witnesses confirm that Counsel for Ms. Spence-Jones, Ms. Spence-Jones, and several third parties with an expressed interest in her case, arrived at the County building on March 8, 2010 to view Commissioner Carey-Shuler’s official files. These were the exact same files reviewed by the State. On that date, the boxes were placed in the same conference room that the State used, and were overseen by the same county employee who remained in the conference room to maintain the integrity of the documents. In fact, the exact same process was supposed to be used for both the State and the Defense for reviewing the documents. However, there was one difference, Counsel for Ms. Spence-Jones demanded the county’s record custodian leave the conference room while the documents were being reviewed. Citing attorney-client privilege, Ms. Spence-Jones’ attorney called the Office of the County Attorney to complain. As a result, the county

⁸ Deposition of Dr. Carey-Shuler, dated June 21, 2010

employee left the conference room. A short while later, the two drafts of the Dr. Carey-Shuler letter, along with several other documents relating to the Café Soul project, surfaced in the previously empty Café Soul file.

The Contract with Friends of MLK, Inc.

The third organization which was to receive a \$25,000 grant from MMAP, according to the directions of Commissioner Dr. Carey-Shuler and the county commission was Friends of MLK, Inc (FMLK). As previously discussed, on January 3, 2005, Ms. Spence-Jones told Mr. Simmons at MMAP that Pastor Gaston Smith was the likely principal. Shortly after the conversation with Mr. Simmons, Ms. Spence-Jones met with Pastor Gaston Smith and told him that Commissioner Dr. Carey-Shuler (through MMAP) had awarded FMLK a grant of \$25,000. Pastor Smith was surprised because he had not requested a grant and had no idea that one had been authorized. Ms. Spence-Jones directed the Pastor to go to MMAP and fill out the necessary paperwork to obtain the \$25,000.

Ms. Spence-Jones, as she had done with Marvin Weeks and Timbuktu, also offered her "marketing and public relations services," to Pastor Smith this time for \$8000. Pastor Smith has stated to prosecutors and investigators that he was wary of the entire deal proposed by Ms. Spence-Jones, especially since she was a city official; however, he decided to pay the \$8000 to her and receive the remainder of the proceeds from the \$25,000 grant.

Between April and July 2005, Pastor Smith paid Ms. Spence-Jones and Karym \$4000 in church funds from the Friendship Missionary Baptist Church and \$4000 from the \$25,000 grant to FMLK.⁹

In December 2009, Pastor Smith was tried and convicted in the 11th Judicial Circuit by a jury of his peers for the theft of approximately \$10,000 of the the \$25,000 grant from MMAP.

Conclusion

The Office of the State of Attorney believed at the time of the arrest of Michelle Spence-Jones that the crime of Second Degree Grand Theft of funds belonging to Miami-Dade County had been committed when the \$50,000 in grants from MMAP were diverted from the intended recipients to Karym Ventures, Inc. We still believe so today. The law requires the State to prove beyond a reasonable doubt in court that the defendant, Michelle Spence-Jones, committed the crime of grand theft in the second degree. However, based upon circumstances which have occurred since the time of arrest, and which were beyond our control, we are presently unable to meet the burden of proving the case beyond a reasonable doubt.

⁹ Pastor Smith used \$3000 of the grant to FMLK to partially repay the church.

The case was based upon the submission of three fraudulent letters to MMAP to support the redirecting of the \$50,000. These were the letters from Timbuktu Marketplace, Community Builders Holistic Development Corporation (Osun Village), and Dr. Barbara Carey-Shuler. Despite the fact that the first two of these letters remain fraudulent, questions have arisen concerning the letter from then Miami-Dade County Commission Chair, Dr. Barbara Carey-Shuler. When she gave her sworn statement to prosecutors, she was absolutely certain that she had never authorized the redirecting of the \$50,000 and never authorized the letter to MMAP which directed the reprogramming of the funds. Now, based upon the "discovery" by Ms. Spence-Jones and her attorney of two earlier drafts of the Dr. Carey-Shuler letter, which appear to be in her handwriting, Dr. Carey-Shuler's earlier statement to the prosecutors has been called into question and has, in effect, removed the Dr. Carey-Shuler letter from being evidence in the State's case. Since Dr. Carey-Shuler did not recall any of the details surrounding these two earlier drafts of the letter, prosecutors contacted Dr. Carey-Shuler's present attorney on July 8, 2011 and requested an opportunity to speak to her and attempt to clarify what she presently recalls about her letter to MMAP and its drafting. The requested meeting would also determine whether or not Dr. Carey-Shuler would be a witness for the State. This effort was abandoned after prosecutors spoke to Dr. Carey-Shuler's present attorney. After these contacts, we determined that any further effort at clarification of Dr. Carey-Shuler's statement would be fruitless. Without Dr. Carey-Shuler's cooperative testimony, and without her explanation of why she appears to have drafted the letter which was provided to MMAP, the State does not believe that it can meet its burden of proving the case beyond a reasonable doubt.

Dr. Carey-Shuler authorized the \$25,000 grant to Timbuktu Marketplace (Marvin Weeks) and the \$25,000 grant to Osun Village (Harlan Woodard and Nathaniel Stiles). She may or may not have authorized the redirecting of these two grants to the family corporation of her protégé, Michelle Spence-Jones. When asked to confirm whether she did, in fact, authorize the reprogramming and to explain why this occurred, she claims to have no recollection whatsoever of the drafting of the letter and refuses to provide any further clarification.

While we believed that proof beyond a reasonable doubt existed at the time of arrest and charging, the evidence in this case relating to Dr. Carey-Shuler's letter has disintegrated to the point that, at this juncture, we are unable to proceed in good faith. Therefore, for the reasons stated above, the State has nolle prossed the case of State v. Michelle Spence-Jones (case no. F09-37102).