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FLA. LAB WORKER INVESTIGATED OVER MISSING DRUGS

PENSACOLA, Fla. (AP) — A Florida crime lab employee resigned Monday during an investigation into missing drug evidence that authorities say could compromise hundreds of cases.

Department officials did not identify the employee. When The Associated Press asked for the suspect's resignation letter, they released a copy of a letter from an employee named Joseph Graves.

No one responded to a message left at a telephone number listed for that name, and no one answered a knock on the door of a house located at an address registered to that name. The State Attorney's Office identified his lawyer as Michael Griffith, who declined to comment when contacted by telephone.

The chemist under investigation is suspected of substituting non-prescription drugs for prescription painkillers, Florida Department of Law Enforcement Commissioner Gerald Bailey said over the weekend.

The agency is now reviewing 2,600 cases the suspected employee handled involving 80 law enforcement agencies in 35 counties, said Bill Eddins, state attorney for the district that includes Pensacola. The employee has not been formally charged but probably will be later this week, Eddins said.

"We will be conducting a thorough investigation to see if each and every case was handled properly," he said.

Authorities say it is unclear whether the employee was stealing pills for personal use, to sell them, or both.

"The prosecution of this case is going to be both complicated and significant," Eddins said.

Both prosecutors and defense attorneys said Monday that the alleged theft could create massive problems for courts and law enforcement agencies throughout Florida and could result in some convictions being thrown out and sentences reduced. Some said that it even could taint cases from the department not directly involving the employee.

Attorneys said the contaminated evidence could cause big problems for Florida's already overburdened courts.

Jamie Benjamin of Fort Lauderdale, president of the Florida Association of Criminal defense lawyers, said investigators need to log crime scene evidence every step of the way and attest that it has not been tampered with.

"This is just the biggest hole that could possibly happen in the integrity of the forensic evidence needed to establish a drug case," **Benjamin** said. "Evidence has to be kept in a perfect chain of custody. When breaches like this happen, it throws everything off."

Benjamin said the evidence tampering could create an "enormous amount" of work for Florida's criminal justice system, which he said is already stretched to its limits.

Although all the cases involve illegal prescription drugs seized as evidence, other criminal cases could be affected by the tampering, attorneys said.

Tallahassee criminal defense attorney Don Pumphrey believes the investigation calls into question everything the state law enforcement agency is involved with.

The department "is supposed to keep tabs on chain of custody, amounts taken in for evidence," Pumphrey said. "It covers a pretty broad spectrum. It questions whether or not they even have safeguards in place to assure the integrity of what they're actually supposed to be testing, not only in this area ... but it calls into question all testing" the department does.

Pumphrey said if he had a client with an ongoing case, he would challenge everything the law enforcement agency did.

"How in the world could you have anybody with that level of security taking anything and not know it? That's the larger question," Pumphrey said. "If you find out the person was employed for months or years, how do you trust any testing that they did? ... Where's the quality control on the lab itself?"

Ron Johnson, a longtime defense attorney in Pensacola, said that if the narcotics were the basis of a law enforcement search that turned up evidence of another crime, that evidence could now be ruled illegally seized and tossed out. That could result in convictions being overturned and prosecutions being dropped.

West Palm Beach attorney Bill Shepherd agreed. Shepherd, a former member of the governor's statewide pill mill taskforce and former statewide prosecutor, said a lot depends on how widespread the evidence tampering was.

"We don't know yet if this started years ago or was a recent problem," he said.

The tampering could also result in some felons having their sentences reduced. The narcotics could have been a secondary offense that increased a convict's sentence and would no longer be applicable, Shepherd said.

Shepherd said the investigation is already having a significant impact on the law enforcement department's resources.

"It is taking agents away who could be working human trafficking, arms cases or other crimes," he said.