

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 92-5795 CIV 25

NEW TIMES, INC., a  
Florida corporation and  
MARY ANN ESQUIVEL-GIBBS,

Petitioners,

vs.

CALVIN ROSS, Chief of  
Police, City of Miami  
Police Department,  
CITY OF MIAMI POLICE  
DEPARTMENT, and THE CITY  
OF MIAMI,

Respondents.

**FINAL ORDER AS TO ALL PARTIES**

WRIT OF MANDAMUS

This cause came on for hearing before the Court on March 12, 1992, and the Court having heard argument of counsel and reviewed the papers at issue, and being otherwise duly advised, it is ORDERED

1. Petitioners seek access to a closed civil forfeiture file. The final order in that file, was entered on May 20, 1991. Respondents claim portions of the file are exempt because the file, or at least a copy of the file, subsequent to its becoming closed, has become part of a criminal investigation. In particular, Respondents claim the papers in the file which they have declined to provide are "criminal investigative information," which is exempt from public inspection under Section 119.07(3)(d), Florida

Statutes.

2. The criminal investigation began June 24, 1991.

3. All papers which became part of the closed civil forfeiture file prior to commencement of the criminal investigation are public records, open to public inspection by Petitioners and all other members of the public. "Information filed before an investigative process begins cannot be criminal investigative information." Tribune Co. v. Cannella, 438 So.2d 516 (Fla. 2d DCA 1983), rev'd on other grounds, 458 So.2d 1075 (Fla. 1984); 1980 Op.Att'y Gen. Fla. 080-96. See, also, 1988 Op.Att'y Gen. Fla. 088-25 and Tribune Co. v. Public Records, P.C.S.O., 493 So.2d 480 (Fla. 2d DCA 1986).

4. All papers in the closed civil forfeiture file which were created or became part of that file prior to June 24, 1991, the date the criminal investigation started, shall be made available immediately to Petitioners. ✓

5. The Court reserves jurisdiction to award attorneys' fees and costs pursuant to Section 119.12, Florida Statutes. If the parties are unable to agree on fees and costs, the matter may be set for hearing before the Court.

*Set March 17, 1992*

*[Signature]*  
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CIRCUIT JUDGE  
PHILIP W. RAYBURN

Copies to:  
Ms. Ana Maria Pando  
Mr. Calvin Ross  
Mr. Sanford L. Bohrer