

COLIN BAENZIGER  ASSOCIATES

EXECUTIVE RECRUITING

Section 8

Iola T. Mosley

*Fort Pierce City Attorney
Candidate Report*

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Cover Letter and Resume

Iola T. Mosley, Esq.

752 Aberfoyle Avenue
Fort Pierce, Florida, 34947
(772) 448-4066
(561) 909-9370 (cell)

To The Mayor and Honorable Commissioners;

Thank you for the opportunity to apply for the position of City Attorney for the City of Fort Pierce. On review of the job description it is clear that you are looking for a candidate who is familiar with the responsibilities of the office and one who can continue to build upon a successful working model for the City Attorney's office.

I have been employed with the Office of the City Attorney for the City Of Fort Pierce, as the Senior Assistant City Attorney for two and one half years. In that time I have learned much about the legal needs of the City, and how best to work with staff to address those needs. I work day to day with Boards, and most City Departments; including Human Resources, Code Enforcement, Planning, and the Police Department. I provide legal support for these departments as requested and if necessary, litigate matters behalf of the City. In addressing the needs of the City it is essential to know exactly what assistance is needed and the best way to achieve a successful outcome. Clear communication is essential to the delivery of accurate legal advice. The current Request for Legal Services is an example of a best practice in ensuring accuracy. This is a practice that I brought forward to enhance delivery of accurate services. As your City Attorney I will continue to build upon established efficiency models for successful communication and service to the client.

The City needs a strong advocate who can address the legal needs of Commission, and who can evaluate and render advice on the most constructive legal means to accomplish the goals of the City. I have the pleasure of collaborating with nearly every department in the City and I provide apt and timely direction, and competent legal advice each time I am called upon to do so. In advocating for my Clients I always strive to give judicious and precise legal advice based on sound principles of law.

I am a team builder. I have worked to successfully build team consensus and trust among my co-workers and peers. It is important that all employees are treated with respect and that all team members are given honest appraisals, and feel that they accorded fair treatment. That creates a team that functions at its highest efficiency. As it concerns the staff of the current City Attorney's Office, due to the recent departure of one of the Assistant City Attorneys, it will be incumbent on the next City Attorney to retain a well-qualified attorney to complete the office. Having been a successful recruiter of attorneys for the Public Defender for the 15th Judicial Circuit, I am well aware of the process of successful recruitment and

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“best fit” team building. I have a vision for building upon the current structure of the City Attorney’s Office to create a team of attorneys who will work together to enhance productivity and responsiveness, and increase efficiency within the office.

Being a leader includes the ability to mentor associates and to both teach and learn from one’s colleagues. Knowing the value of persons is an essential quality of successful leadership; training, cross training and collaborative teamwork is an essential component of a successful law office. The highest level service is developed within a collaborative setting in which every attorney is able to advise in his or her area of specialty and whom also has the ability to assist in other legal matters within the office. This may occur when an office is functioning as a team, and not as components in isolation.

I have been consistently praised for my ability to problem solve, build consensus and advocate successfully on behalf of my Clients. I ask that you take the time to review my resume and consider the work that I have provided and will continue to provide on behalf of the City.

Thank you for your consideration, I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Iola Mosley", with a long, sweeping flourish extending downwards and to the right.

Iola Mosley, Esq.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

Education

Howard University School of Law Washington, D.C. Juris Doctor 1986
Howard University, Washington, D.C. Bachelor of Arts/ Philosophy 1983
Nova High School, Davie, Florida 1978

Professional Experience

Office of the City Attorney for the City of Fort Pierce, Florida May 2016 to present

Senior Assistant City Attorney

- ***Human Resources Department and Civil Service*** Responsibilities include legal matters relating to the interpretation and application of all Personnel rules and Regulations, and the City's Civil Service, EEOC filings, Union Arbitrations, Union ULP filings, Grievances, Civil Service Appeals, Union contracts (Negotiations and Drafting), and Employment Related Litigation cases. Duties and responsibilities for this Board include the defense of the City and Management in all Grievance Hearings, Civil Service Appeals, Arbitration Hearings, PERC actions, and Special Magistrate Hearings, and appearing before the Civil Service Appeals Board (CSAB) which considers employees' appeals from Management decisions related to employment, in-depth review of such Appeal filings, performing legal research and preparing Briefs and Memoranda of Law, Motions, and related documents, and preparing Prehearing Statements required by applicable CSAB rules, meeting with witnesses and organizing evidence and preparation for adversarial hearings.
- ***Code Enforcement*** Duties and responsibilities include review of Agenda materials relating to the Board's monthly meetings, preparing for and attending such meetings, preparing *Massy* orders relative to the Board's rulings, preparing Legal Memoranda to the Board and staff, advice and preparation of amendments to Procedural Rules and Resolutions ultimately submitted to the City Commission for adoption, and representing the City in all appeals of this Board's rulings to the Appellate Division of the Circuit Court. Prosecute all civil Animal Control and Abuse custody cases. Advise on the current status or changes in the law as they occur or as requested by the Department Director.
- ***Historic Preservation/Planning*** Duties and responsibilities include in-depth review of meeting Agenda packages and preparatory legal research of potential issues associated therewith, pre-meeting conferences with the Historic Preservation Office and Staff, provide procedural guidance to the Board's clerk, and attendance at monthly meetings. Provide advice concerning the Secretary of Interior standards and other applicable regulatory matters which may come before the Board or as requested by the Department Director.
- ***Construction Board of Adjustments and Appeals*** Duties include advising the Board on issues relating to variance and exceptions to building and zoning regulations. I also available to advise the Board on changes in Federal, State and Local law which would impact building and zoning regulations In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law. I also advise on matters relating to parliamentary procedure.
- ***Board of Examiners of Contractors*** Duties include advising the Board on matters concerning the regulation and competence of contractors. I also available to advise the Board on changes in Federal, State and Local law which would impact the regulation of contractors working within the City limits of Fort Pierce. In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law.

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- ***Special Magistrate Code Enforcement Proceedings*** Serves as counsel and advocate for the Department of Code Enforcement in code enforcement proceedings before the City's Special Magistrates. Duties and responsibilities include prehearing preparation (reviewing cases with Code Enforcement staff and persons who may serve as witnesses, organization of evidence to be presented at hearings, legal research in preparation for argument on potential legal issues during such hearings, and preparation of Motions and Memoranda relative to such hearings), serving as an advocate for the City And Code Enforcement Department during such hearings, preparation of *Massey* orders and other orders as may be directed by the Special Magistrate, representing the City in any appeals from rulings of the Special Magistrate that are filed in the Appellate Division of the Circuit Court.
- ***Police Department*** Serves as Council to and provides timely and accurate support, research and representation of the Police Department. Duties include Assistance in development of training protocols; Drafting of Contracts; Memorandum of Understanding; Drafting and Litigating Forfeiture and Nuisance Abatement Proceedings in Circuit Court and Administrative proceedings. In addition I provide support and responses to legal inquiries regarding subpoenas and court appearances of officers and employees. In addition I advise and support the Citizens Review Commission as requested by the Chief of Police.
- ***Assistance and support to all City Departments*** Duties include providing timely and accurate training and legal updates to City Boards and Departments on Ethics for Public Officers; Government in the Sunshine; Rules of Order; and Public Records. Also responds to time sensitive request for legal opinions from various City Departments.

Other Duties include Drafting Ordinances and Resolutions, and advising departments on upcoming changes in statutory law as well as locating and advising on current ordinances and regulation. I interface with nearly every department in the City in order to assist with compliance with State and Federal requirements. I have served as the city liaison to the Sober House Task force for St Lucie, Indian River and Martin County.

Office of the General Counsel for the School Board of Palm Beach County, Florida March 2005 to May 2016

Senior Counsel Academic Compliance, Senior Counsel Government and Regulatory Compliance

Represented the School Board of Palm Beach County in a variety of Legal matters including

- Special education IDEA and ADA/504 and Civil Rights Litigation.
- Charter school litigation support for the Charter Department 2006-2012 including; negotiation of contracts, application denials hearings at FDOE (Florida Department of Education), as well as advised on variety of other administrative issues relating to the sponsorship of Charter schools.
- Provide support and advice regarding legal issues upon request or as directed by Board members, the Superintendent, and the General Counsel or Designee.
- Support and advise District administrative staff and personnel matters involving; Special Education, Immigration, Juvenile Dependency, Truancy, Criminal law and Procedure, Juvenile Delinquency, Civil Rights, Child Custody and School Attendance Zones, Student Discipline, Employment, Contracts, Civil/Family Trial Court issues affecting the District administrative staff and school centers. In addition upon request; provide assistance and support to District administrative staff for depositions, hearings, and trial testimony.

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- Represented the Superintendent, and District Administrative staff, in Student Discipline matters, and Expulsion Hearings on behalf of the District.
- 2005-2011 Served on the Chief Counsels litigation Team (to prepare and assist attorneys for trial and preparation for litigation on behalf of the School District).
- Conducted Training for District staff in Expulsions, Family and Custody matters, Special needs of children, Homeless Education (McKinney-Vento); Develop and present training protocol for Expulsion Hearing Officers, and conduct joint trainings with Legal Aid Society for Pro Bono Attorneys who represent District student personnel in expulsion hearings.
- Provided training for School Police on Custody issues 2012.
- Developed training presentation for the Unified Family Court Family Law Advisory Group (F.L.A.G.) entitled "The ABC's of Education Law" 2008.
- Represented the District on the School Justice Partnership 2009-2012.
- Governmental and Regulatory Compliance advised and developed Board Policies 2015.

Assistant State Attorney Office of the State Attorney 15th Judicial Circuit Palm Beach County, Florida September 2002 to February 2005

- *Juvenile Division September 2003- February 2005*- Felony and Misdemeanor prosecutions of Juvenile offenders on behalf of the State of Florida. Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.
- *County Court Division 2002-2003*- Prosecuted Criminal Misdemeanor and traffic offenses including DWI, Domestic Violence, Drug Possession, Theft, Lewd Assignations and a variety of other offenses Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.

Assistant City Attorney for the City of West Palm Beach July 2000-July 2001

- Duties included Civil Trial Defense, Code Enforcement Litigation, Nuisance Abatement, and Lien Foreclosure. Supervised Staff including secretarial and paralegal

Law Offices Whitfield & Mosley October 1996-June 2000

- Partner General Practice firm, cases included; Criminal Defense trial /appellate, Family marital law matters, Civil Litigation
- Responsible for staff supervision and direction, payroll, and all other office expenses as well as shared litigation within a small firm.

Office of the Public Defender for the 15th Judicial Circuit Palm Beach County January 1987 to October 1996

- *1994-1996 Training Recruitment Coordinator*- Responsible for recruitment, training and development of attorneys. Also responsible to review and recommend attorneys for promotion to various positions within the office. Supervised Staff; including new attorneys Paralegals Investigators and Secretaries.
- *1993-1995 Capital Crimes Division*-Defended Clients charged with Capital Murder. Responsible for coordinating and supervising team litigation in the grand jury, trial and penalty phase of defense case.

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Supervised and coordinated Investigative paralegal and secretarial staff. Also responsible for staff development of attorneys

- *1990 to 1993 Felony Division-* Responsible for defense of clients charged with life felonies, first, second and third degree Felonies. Supervised; Investigative paralegal and secretarial staff. Additional responsibilities included legal staff development and mentoring
- *1988-1990 Supervising Attorney for County Court South Division-* Responsible to oversee the opening and staffing of the South County Office of the Public Defender. Supervised; Attorneys, Secretaries, Paralegal. Also responsible for coordinating representation and social services provided to clients. Worked directly with the judicial staff, State Attorney's Office, County Probation, as well as the Office of the Clerk to ensure the smooth transition of the Office to the South County Courthouse.
- *1987 County Court Defended Misdemeanor Division-*Supervised secretarial and paralegal staff in developing legal defense and coordinating social services on behalf of indigent clients
- *1987 Appellate Division-* filed appeals on behalf of indigent persons accused of crimes.

MEMBERSHIP

2017 American Bar Association	2006 to Present USDC Southern District
1987 to Present Member of the Florida Bar Association	2005 to Present Palm Beach County Bar
1989 to Present F. Malcolm Cunningham Bar Association	Member of the Florida Bar Since 1987
Member of the Port St Lucie Bar Association	Member of the St Lucie County Bar Association

AFFILIATIONS

1987-1999 Fla. Association of Criminal Defense Lawyers

1993 to Present

Delta Sigma Theta Sorority Incorporated A public Service Organization (Parliamentarian 1997-2002 2018; 1997-2002 and 2018 Chair Policies Procedures Committee)

1988 to present The Charmettes Incorporated (a public service organization) Financial Secretary Parliamentarian, Historian, Public Relations

2012-2017 Strategic Planning Committee, New Bethel Missionary Baptist Church

2005 to Present Florida School Board Attorney Association

Florida Association of Police Attorneys 2017 to present

Steering Committee Treasure Coast African American Attorneys Association

References are available upon request

Section 8

Candidate Introduction

IOLA T. MOSLEY, ESQUIRE

EDUCATION

Juris Doctorate, Howard University, Washington, D.C.
Bachelor of Arts (Philosophy) Howard University, Washington D.C.

EXPERIENCE

Sr. Assistant City Attorney City of Fort Pierce Florida	2016-Present
Sr. Associate Attorney School Board/ Palm Beach County	2005-2016
Assistant State Attorney 15 th Judicial Circuit	2002-2005
Assistant City Attorney City of West Palm Beach, Florida	2000-2001
Partner Whitfield & Mosley	1996-2000
Assistant Public Defender 15 th Juridical Circuit	1987-1996

BACKGROUND

I currently serve the city of Fort Pierce as the Senior Assistant City Attorney. Fort Pierce is affectionately known as the “Sunrise City” and serves as the county seat in St. Lucie County, Florida. The city serves approximately 41,000 residents. The City has a charming and neighborly feel. I feel that once you visit you understand the meaning of the term “hidden jewel.”

Fort Pierce is progressive, friendly, and offers a wide variety entertainment and shopping venues. Fort Pierce boasts some of the best restaurants in the Region (if not in the country). The city hosts an abundance of family friendly activities like The Friday Fest Jazz and Market on the first Friday of each month; The Wednesday Green Market and Saturday Farmers Market where beautiful textiles, jewelry, artwork, crafts, and delicious foods abound.

There is great support for youth and families through Job Fairs, and an established sailing/maritime program through the Treasure Coast Youth Sailing Foundation and the Fort Pierce Police Department annual “Unity in the Community” days. The City offers recreational activities such as boating, fishing, hunting, and horseback riding.

There are beautiful natural areas and wonderful sub districts like the Peacock Arts District. The City boasts connections to artists who make the Treasure Coast live through the ages. Artists like the Highwaymen, and writers like Zora Neal Hurston come immediately to mind when thinking about “The Fort”.

Fort Pierce has a Mayor/Commissioner form of government. The city is composed of two districts. The Mayor/Commissioner is Linda Hudson who is elected at large by voters in all districts. The Commissioners representing District 1 are Rufus Alexander III, and Reginald B Sessions, Esquire.

IOLA T. MOSLEY, ESQUIRE

District one includes the north and northwestern areas of the City. The Commissioners representing District 2 are Jeremiah Johnson, and Thomas K Perona. District 2 includes Hutchinson Island and the south, southwestern and eastern areas of the city.

Currently Fort Pierce is a City undergoing expansion and growth. The main challenges facing the city are directly related to growth:

- Annexation, business expansion, and growing the economy of the city in a way that allows for sufficient infrastructure to support the growth.
- Recovery from blight as well as recovery of blighted areas and transformation of those areas into viable and profitable business and residential centers.
- Elimination of predatory businesses which are contrary to development is a priority in the development of a healthy City. There are areas of the city that are currently run-down which can form the base of a strong community if developed in a way which preserves the community atmosphere, while modernizing existing neglected or deserted structures.
- An additional and fundamental issue facing our city is attracting and keeping professional officers in the Police Department and shaping the current department so that it is on par with the departments in the surrounding county and cities. The City has in the past four years retained a Police Chief who is innovative and forward thinking in her support and revamping of the current Police Department, as well her concern for the citizens of the entire Ft Pierce community.
- Another area of significance is the development of the Lincoln Park Community while preserving its unique cultural identity. This is a part of a community embodying the African American experience in Ft Pierce. Currently I have been working with the City's Community Grants Program in seeking ways to support the Martin Luther King Commission's efforts to obtain Grant funding for the renovation of the Lincoln Theatre which is a vital anchor and landmark in the growth and development of the Lincoln Park Community.
- The City is seeking to develop the harbor and waterfront areas of the city. This development will require careful planning in order to avoid over development or development which cannot be sustained by the existing community. Additionally the City has to make certain that land purchases and leases are within the permissible bounds of existing law.
- Additionally the issue of tourism and how best to implement tourism and enhancing visits and rentals of short term duration while maintaining the ambiance and local flavor of the coastal communities and the community at large is also an issue that has been that can inhibit development. Working with members of the community including beach areas the city will need to seek ways to accommodate housing while not allowing the rowdy atmosphere of a tourist trap to overtake the serene beauty of the coastal, and other identified areas of the community.

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GENERAL MANAGEMENT STYLE AND EXPERIENCE

I am awestruck at the potential of this unique city. Fort Pierce is a flower on the verge of blooming. Here, there is a great deal of potential and at the same time, the community reminds me of the “real” Florida. Although the City’s population is diverse the, community of Fort Pierce is unified. There is something special about being one of us and you don’t find that everywhere.

A successful City Attorney for the City of Fort Pierce will be dedicated to the vision of the City Commission. The Attorney must be an effective listener and an effective communicator; to that end, frequent informative meetings should occur between the City Attorney and the members of the Commission.

The Attorney should also meet with department heads to get input on issues facing the various departments of the city. The Ideal candidate should also be one who engages with the various City departments to conduct training and staff development.

The City Attorney must be able to recognize various political agendas, like it or not this is a part of public life. But the City Attorney must not become embroiled in individual politics. He/she must advise the Commission in legal matters in a professional, honest and straightforward manner. The Attorney must have the ability to quickly recognize the objectives of people with whom he/she comes into contact and must understand when and how to appropriately respond.

Because no one is perfect, the ideal candidate must understand the humility that is born of making errors and how to recover from errors with reassured accuracy. In other words, he/she should own his/her mistakes and endeavor to correct them quickly and skillfully without dwelling on the matter.

I feel I am the ideal candidate for the position of City Attorney. I have developed diverse experiences in my 31 years as a barred State of Florida lawyer. I have been called upon often by my colleagues and my peers for my advice and counsel. I have learned to identify and avoid pitfalls of politics and have endeavored to advise my clients in a professional manner.

Additionally, I am skilled at recruiting. I can develop and train professional staff. I endeavor to develop good strategies for achieving the optimum outcome desired by the client/Commission. These are qualities that will be necessary for the next City Attorney as that individual will have to begin with an already successful foundation, and recruit and train the best staff to take the office to the next level of providing professional and efficient legal services for the City.

The City is self-insured through the Florida League of Cities. Fort Pierce employs a risk manager who manages the City’s State and Federal cases that are assigned to attorneys through by the Florida League of Cities. The League addresses most complex federal or state claims involving

torts, civil rights violations, and certain appeals and workers compensation and other matters as assigned by the Commission.

However, the City Attorney should be aware of the developments in each case and should regularly seek to update his case file concerning the status of pending matters in order to keep the Commission apprised of the case status.

In other matters for which the City Attorney's Office has direct responsibility, it is of the utmost importance that the facts be reviewed and research completed thoroughly and promptly. With regard to internal management practices, the involved department heads and witness must be interviewed to get the most accurate account of the City's positions on the matters at hand. All evidence should be copied and prepared by the department or a file should be provided and copied by the legal secretary and legal files created.

The department files should be returned to the department's custodian of records once all relevant documents and or photos are copied. A correspondence file should be created and initial correspondence of introduction should be forwarded to opposing counsel. A litigation file which includes pleadings, case and statutory law, facts of the case, discovery, witness information, and legal strategy should be developed immediately.

Negotiation of any settlement with opposing counsel must occur only as approved by the Commission or City Manager; such negotiation can be most successful only when the facts are researched and the relative strength of the case is known.

All steps of the litigation including attorney time must be logged. Cases will need to be thoroughly researched and prepared and a dry run of any hearing should be done with staff to make certain that the case is ready at the time it is called for hearing.

Frequent case updates will be provided to keep the Commission, the City Manager and the Department Head advised of the progress of the case. Upon conclusion of the case, a post litigation review will be conducted with the assigned attorney and staff to review best practices.

My management style is the team approach. The legal staff works together to support the legal needs of the City. A law office functions best when all of the staff is informed and involved. Although there must be individual assignments, every attorney should be aware of current matters and cases. Shared discussion of issues by staff is an excellent way to develop this type of expertise and proficiency. This delivers faster and more efficient service.

Even though one attorney may be assigned to answer general questions on a subject, with the shared workload approach every attorney has a basic understanding of issues and there is no gap in service delivery. To that end, weekly staff meetings where matters and issues are reviewed and

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thoroughly vetted by the attorney staff will increase the ability of the legal department to deliver professional results.

Every meeting should be a learning opportunity for the legal staff as well as the City Attorney. My philosophy of leadership envisions cooperative learning and Socratic inquiry of issues that the legal department is called upon to address on behalf of the City. I recognize the importance of evaluation and reinforcement in this process. Every staff member's endeavors should be recognized in order to encourage a higher level of staff success.

The results of this type of management yields a more polished and professional staff. In addition, open communication should be encouraged and no staff member should ever feel any hesitation or fear in disclosing or discussing problematic issues.

I am approachable, friendly, and am said to have a good sense of humor. I am open and respectful to all regardless of creed, orientation, nationality, or income status.

I have worked with many of the City's Boards and I believe that the Board members with whom I work with would say that I am professional, knowledgeable, prepared and approachable. Also, I am well versed in legal matters regarding City Boards. I try to be a great communicator and listener.

I have had opportunity to communicate with the City Manager and advised him in several matters. I believe that he would share I am an excellent attorney and a consummate professional. He would likely report that I have good relationships with staff and departments, and I am both approachable and likeable. He would likely say that I am passionate about the law and protecting my client but that I am patient and solution oriented. Moreover, I will find an answer and leave no stone unturned and complete my assignments thoroughly and efficiently. He would say I am loyal.

I think despite the strengths that I possess I do have shortcomings. Sometimes, I will over think a problem. I believe it comes from wanting to make certain that I have covered all my bases. I like to think things through and be thorough but if I am rushed or distracted I may pay less attention to detail than normal.

Another area of weakness is when I am rushed, I have sometimes underestimated the time I need to complete a task and end up trying to get everything done in haste. To address this, I have learned to use a digital time keeper to manage my tasks more efficiently. Also, I have learned to diary my day and review and update my progress. This helps me to stay on top of large projects and complete tasks in a more timely fashion. I diary my end date or date of completion ahead of the requested date which gives me additional time to review and recheck my work.

I have been blessed to have provided a large part of re-structuring the office of the City Attorney for the City of Fort Pierce. I view this as my greatest accomplishment to date because in structuring

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this office I have had the opportunity to provide tools which allowed the current structure of the office to work efficiently and professionally.

One tool I am very pleased with myself for developing is the form for the routing of legal services. I put together the Request for Legal Services for the Office of the City Attorney to provide a timeline for progression of tasks. The current system provides a means of identifying responsibility for and keeping abreast of the workflow within the office.

I have streamlined the process which has allowed the annual accomplishments of the City Attorney's Office to be more efficiently memorialized. I have also created an enhanced training protocol for Boards and Committees in the areas of Open Government Law (Sunshine), Public Records, and Ethics for Public Officers; which I have presented to the City Boards and to individual Board members upon their appointments.

This allows the Boards to run efficiently and operate within the bounds of the law. I have enjoyed the privilege of working with Animal Control and in saving the lives of abused animals, and with the code enforcement in enhancing the hearing protocols for Special Magistrate hearings. I have also help to shape the Police Citizen Review Committee on request of the Chief of Police.

Working as the Sr. Assistant Attorney in the City of Fort Pierce has been the highest point in my legal career as I have been able to fully utilize the skills I have developed as a communicator, organizer, business manager and a skilled attorney over the course of my thirty plus year legal career.

There is no better means to determine one's success than to examine one's failures. The most glaring error in my career was taking for granted impure motives and failing to have the courage to immediately speak out against improper acts. This failure could have compromised my client and my integrity. It was error born of the willingness to go along with what I perceived may be wrong in order to avoid being the "squeaky wheel." This error has taught me that it is important to do what is just and proper even though the result may make you unpopular. One must never shrink from undertaking that which is just in order to gain temporary approval. Even when the cost may be personally devastating one must always strive to adhere to the rule of law and to the highest ethical standards.

I have not had to terminate or recommend termination for an employee as yet. However, I have had to counsel employees to lead them back to productivity in my career.

First, it is important to always try to determine whether the employee's lack of progress or productivity is due to some outside source like a family, personal or medical issue; or whether there is a need for training. The first step is to speak with the employee and to tell him/her there is an issue, to fully explain what the problems are and offer him/her the opportunity to address the problems.

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It is important to refrain from being accusatory when addressing this type of problem as it can negate the goal of remediation or training in order to get the employee back on track. There is a need to monitor the activity of the employee and to continue to communicate with the employee to assess progress and to allow the employee to get back on track.

In considering aberrant or rule breaking behavior, there are progressive discipline approaches that can be used to address these behaviors. The first step is to identify the behavior and discuss it with the employee. Secondly advise him/her of steps needed to correct the issue. The employee must be provided with a timeline for compliance or remediation. Disciplinary actions must be memorialized in writing.

If corrective action fails then the employee may potentially face more serious discipline like probation, suspension, or termination of employment. It is important to maintain a written record concerning the acts and results. Further, all statements concerning any employee discipline must be accurately recorded. Communication must occur through Human Resources. Additionally progress should be reported as well as lack thereof. If the employee shows no improvement then a potential recommendation for termination may be made to the City Manager through the Human Resources Director.

It is my goal over the next six months to:

- Continue to address the legal needs of the City. I envision meeting with Commissioners, The City Manager and Department Heads to assess current strengths and to gather recommendations for improvement and increased provision of legal services.
- It will be necessary to hire two attorneys to replace the current position vacancies in the office, and maintain the office within the current budgetary frame. It will be necessary to recruit, from the local area as well as other areas, candidates who will be a good fit for the City as well as possess the required experience to do the job.
- Efforts within the first six months may also include expanding the role of the staff attorneys to include development and implementation of training protocols and schedules for City Boards as requested, and for providing legal updates for all departments and department heads as needed.
- In addition production of a quarterly news page of recent changes in the law (aptly named “Sunrise City Legally Speaking”) is envisioned to be created in order to keep city officials and departments up to date on new legal issues.
- I would envision the development of a direct assistance portal to address the provision of immediate assistance needs of department heads. I would also like to develop a special assistant to the City’s police department whose duties will include litigating civil forfeiture matters and provision of direct assistance for legal issues relating to the police department practice.
- I have identified a need to provide constant updates via weekly training sessions within the office to provide a learning experience or refresher for the attorneys in all aspects of

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municipal law. Of particular importance is training in the area of public policy and regulatory compliance including the development of city laws and regulations (i.e. drafting of resolutions and ordinances). This cross training will increase support to all city departments. Training will also include attorney development in areas of agency and administrative law like compliance with Government in the Sunshine, and public records law. In addition, limited cross training will be developed in the areas of transactional law, general litigation as well as in areas concerning employment law.

Media Relations:

I currently do not address the media however my rule of thumb is to always keep the Commission and the City Manager aware of any media queries that may come across my desk.

I am affiliated with several charitable organizations including The Charmettes Incorporated, Delta Sigma Theta Sorority Inc., I have been affiliated with Northside Kiwanis in Palm Beach County. I am also a vocal musician and I sing in many churches and have been featured in the annual Northside Kiwanis Variety Show. I love to fish and bake.

I do not have anything in my past that would embarrass the City if it became known. There is no one who has any “dirt” on me.

REASON FOR WANTING TO LEAVE MY CURRENT JOB

It is my honor to have represented the City of Fort Pierce as the Sr. Assistant City Attorney for the past two and one half years. I was a finalist for the Position in 2016. I would like to have the opportunity to continue the mission started when I was hired, in improving efficiency, and professionalism in the Office of the City Attorney. I still desire to lead this effort. I would not be leaving my office but elevating to a position that will allow me to maximize my organizational and professional skills developed over my 30 years in the practice of law.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Professional
Knowledgeable
Approachable
Innovative
Hardworking
Principled

IOLA T. MOSLEY, ESQUIRE

CURRENT OR MOST RECENT SALARY

My current salary at the City of Fort Pierce is \$130,000.

CB&A Background Checks

**Background Check Summary for
IOLA THOMAS MOSLEY**

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Civil Records Checks:

County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found
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Credit

Excellent

Bankruptcy

No Records Found

Education

Confirmed

Employment

Confirmed

Florida Bar Number

Member in Good Standing
Bar #710768

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

**Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure**

Personal Disclosure Questionnaire

Name of Applicant: Iola T. Mosley

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
Yes No
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
Yes No
3. Have you ever declared bankruptcy or been an owner in a business that did so?
Yes No
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
Yes No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
Yes No
6. Have you ever been convicted of driving while intoxicated?
Yes No
7. Have you ever sued a current or former employer?
Yes No
8. Do you have a personal My Space, Face Book or other type of Web Page?
 Yes No
9. Do you have a personal Twitter Account?
 Yes No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
Yes No
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: 
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 **no later than 5:00 PM PST 11/01/18.**
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

**Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure Explanation**

There have been 2 law suits to which I have been a party Defendant;

- 1) Chemical Mortgage v Emmett Mosley and Iola Mosley, et al 97-9955AW Foreclosure Case
Dismissed
- 2) Nationstar Mortgage v Emmett and Iola Mosley, et al 2012-CA-22442 Foreclosure Case closed
Property sold at Auction.

CB&A Reference Notes

Since the candidate is an internal candidate, we did not perform reference checks.

CB&A Internet Research

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

TC Palm
June 19, 2018

Fort Pierce gives property owner more time to make case to save home from condemnation
Author: Keona Gardner

PORT PIERCE — Neighbors on Thumb Point Drive will have to wait nearly another week to learn whether the city condemns a house that has been at a construction standstill for more than 13 years.

The City Commission Monday gave owner Brad Culverhouse five business days to prepare his arguments for saving his house at 1635 Thumb Point Drive. Code-enforcement Magistrate Fran O. Ross in April declared the property a nuisance and recommended city condemn it and demolish the half-built structure. Under city rules, Culverhouse has five business days after the the final hearing to prepare the case.

Ross held her final hearing on the case June 14 and 15, putting the five-day period into late next week. The commission, however, has set a special meeting at 10 a.m. Monday to consider its next move. Asked about that scheduling on Monday, following the commission meeting, City Attorney Jim -----Messer and City Manager Nick Mimms refused to answer a reporter's questions and walked away.

The previous house on the site was destroyed by the 2004 hurricanes. Since then, Culverhouse has applied for and received extensions on his building permits. His current permit expires in July, according to city records.

Commissioner Reggie Sessions questioned why the commission would schedule a meeting on a day it doesn't regularly meet. "Is it vital that we do it this Monday, where we use additional staff time?" Sessions asked. "It's been going on for 14 years, and now it is an urgent matter and we have to have this done (now)?"

The commission should act quickly to resolve the dispute, Commissioner Tom Perona said. "This has been going on for quite some time," Perona said. "The message I want the public to know is this City Commission will not put off tackling the difficult issues."

Neighbor Dan Hooper said he has been awakened at 2 a.m. by the the sound of car doors from fisherman using the dock at the back of the property. "The traffic coming in and out of there ... It must be one of the most popular fishing spots in the county," Hooper told the commission. Added neighbor Chris Hodge: "1635 Thumb Point Drive is being used more as a public park and not a residence," Hodge said. "This is not acceptable."

Internet – Newspaper Archives Searches

Iola Thomas Mosley

(Articles are in reverse chronological order)

A metal gate secures the property, and the gray, concrete-block structure — without a roof or doors — sits surrounded by construction materials. Culverhouse said hardships such as his wife's death, bankruptcy and his own failing health kept him from completing the house.

Homeowners insurance paid Culverhouse more than \$400,000 to rebuild the house that hurricanes Frances and Jeanne destroyed, according to city records. During the April 18 code-enforcement hearing, Ross declared the property a nuisance and recommended the City Commission have it torn down.

Senior Assistant City Attorney **Iola Mosley**, who represented the city at the April 18 hearing, told Ross that Culverhouse met the criteria for building-permit extension yet he never completed the project.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

Palm Beach Post, The (FL)
November 6, 2004

PANEL TAPS COURT BENCH CANDIDATES

Author: WILLIAM COOPER JR.

A prosecutor, private attorney, court commissioner and two attorneys employed by the Palm Beach County School Board were nominated Friday to fill a vacancy on the county court bench, according to the Judicial Nominating Commission. The five nominees, which include two blacks and a Hispanic, were selected from among 50 applicants. The nine-member JNC conducted interviews with the applicants this week.

The nominees are:

- * Sandra Boss-Pardo, 50, who leads the School Board's litigation department;
- * Leonard Hanser, 52, a court commissioner who oversees cases where people are deemed a danger to themselves or the community;
- * **Iola Mosely**, 44, a black assistant state attorney;
- * Yvette Trelles, 38, a Hispanic sole practitioner, specializing in personal injury cases;
- * Gerald Williams, 54, a black labor relations attorney, who currently is the School Board's chief of staff.

Attorney Kathleen Kozinski, the JNC chairwoman, faxed the names on Friday to Gov. Jeb Bush, who will make the appointment in coming weeks. Bush must fill the post vacated by former County Judge Jonathan Gerber, who the governor promoted to the circuit court in August to replace retired Circuit Judge Mary Lupo.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
December 30, 2000

AFTER 28 YEARS, JORANDBY SAYS GOODBYE

Author: John Pacenti

After 28 years as the county's public defender, Richard Jorandby left the office on Friday with a message: "I will survive." That's the Gloria Gaynor disco song he asked **Iola Mosley**, a former assistant public defender, to sing at his goodbye luncheon attended by more than 120. The song underscored the bittersweet event as well as the uncertain future for the man who brought the office national notice for fighting the death penalty.

Some of the area's more prominent lawyers, such as Richard Lubin and Michael Salnick, spent time under Jorandby's stewardship. In attendance Friday was Circuit Judge Edward Fine, a former Jorandby employee, as well as Dorothy Wilken, clerk of circuit court and a good friend of Jorandby's. "Because of you, innocent people have been able to look back and say, 'Thank God, I had a good lawyer,' " said **Mosley**, who went on to private practice and now works for the county attorney's office. Jorandby leaves, though, under a cloud. The Florida Department of Law Enforcement is investigating allegations by two of his top assistants that he tried to extort campaign donations from them. Democrat Carey Haughwout, an attorney Jorandby hired to work for the office 13 years ago, defeated the Republican on Nov. 7, shortly after the scandal broke. Talk at the luncheon remained upbeat, though, focusing on Jorandby's accomplishments - not all of them in the courts. Former employee and now private defense attorney Michelle Suskauer noted that more than half a dozen couples met while working for Jorandby.

"It's a hotbed for romance," joked Suskauer, who met her husband, Scott, while both were assistant public defenders. Jorandby's daughter, Abigail, gave a touching speech about growing up watching her father work. She is now going to the University of Florida's law school. Richard Green, head of the capital appeals division, talked about Jorandby's passionate opposition to the death penalty and how hard it was on him in 1984 to watch two defendants die in Florida's electric chair. Jorandby insisted on being a witness.

His office took five death penalty cases to the U.S. Supreme Court. "He has some deeply held moral and spiritual views, and the death penalty is the ultimate violation of those views," Green said. Losing to Haughwout may cost Jorandby more than his office. If he could have served one more term and reached 30 years of service, his state pension would have increased from \$63,000 to \$500,000. He said he has no immediate plans but is open to continuing to work in state government. "I cherish these last 28 years," he said. "For a farm boy from North Dakota, I had my dreams, too. They were to become a lawyer and move to Florida, and that happened. Now it's time to go and it's time to say goodbye."

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
June 2, 2000

TWO IN TEEN BEATING CASE ENTER GUILTY PLEAS
STATE SAYS THE SIUTA BROTHERS DID NOT PARTICIPATE IN THE BRUTAL
ATTACK

Author: John Pacenti

Gary Stern says it's a means to an end. Defense attorneys say it's another example of the state's case falling apart. Facts are that two brothers arrested for the brutal beating of Stern's teenage son, Joshua, will see no prison time under plea settlements Thursday. Elden and Siuta Siuta pleaded guilty to aggravated battery for keeping others from helping Stern during the attack at an unsupervised high school graduation party in Wellington last year. "I was hoping the Sterns were here so I can apologize to them," Siuta Siuta, 22, said. "If I can go back to that one day, I would make sure none of this would have happened."

He will have to remain on house arrest until July 27 and then start three years of probation. His 17-year-old brother faces the same sentence, but Circuit Judge Kenneth Marra won't make it official until July 13 as he awaits a probation officer's report to determine whether the teen should be listed as a felon or have his conviction withheld from his record. Assistant State Attorney Ken Selvig said the pair did not participate in the beating that left Stern, 16, in a coma for nearly three weeks with a fractured vertebrae, broken jaw, collapsed lung and other severe injuries. He still faces multiple surgeries. Charges of kidnapping, robbery and burglary with assault or battery were also dropped.

When the Siutas were arrested, Gary Stern called them "monsters" and "animals". Reached by telephone Thursday, he said the plea will help authorities complete their investigation, but declined to elaborate. "In about a week to 10 days you'll see why this was so important," he said. "This was done from a position of strength, not weakness." The Siuta brothers have said they will cooperate. Thursday's pleas leave only two of the seven original suspects charged with attempted second-degree murder and in jail: James "Jay" McHugh, 17, and Roberto Molina, 27. Selvig made it clear Friday that it was Molina who did most of the beating last June 5 because Stern had reneged on a \$650 marijuana deal. McHugh, called Molina and others to the party when he saw Stern there, police said. Trial is set for Aug. 25.

Three suspects originally arrested and jailed for eight months - Philips Siuta, 19, and his uncles, Fetalai Ilmaleota, 26; and Faapiano Ilmaleota, 34 - had charges dropped after it became apparent they were misidentified by teenagers at the party. "One witness told me the cops held him for hours until he made an ID," said **Iola Mosley**, Elden Siuta's attorney. Sheriff's detectives couldn't be reached for comment Thursday. "The state's case, especially as to my client, started crumbling," said Jon Kaplan, Siuta Siuta's attorney.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
February 9, 2000

IN COURT

LAKE PARK - A former lieutenant has sued the town police department, saying it illegally retaliated against him when it asked him to resign because of his testimony in a racial discrimination trial. Julius Barone resigned in September after testifying for Mack Davis, the town's only black police officer, who had sued the department alleging racial discrimination. Three other officers and Chief Jeff Lindskoog's secretary were fired after the town said they lied on the stand. They also have sued. Barone filed his suit Monday in Palm Beach County Circuit Court. A jury last year agreed the department discriminated against Davis, but only awarded him \$1. A judge later overturned the discrimination verdict, meaning the town wouldn't have to pay Davis' legal fees. Davis is appealing.

WEST PALM BEACH - The adult guardian of a troubled youngster who was struck by a car two years ago after jumping from a school bus on Okeechobee Boulevard sued the Palm Beach County School District on Monday. Carol Goldberg, a court-appointed guardian, claims the district was negligent because Lamarcus Sims, who at the time was a fifth-grader at Indian Ridge Learning Center, was able to get out of his seat and leave the bus through a rear emergency door. Sims jumped out of the bus and attempted to run across Okeechobee Boulevard during rush hour May 29, 1998, and was seriously injured. In the lawsuit, Goldberg alleges the bus driver and an aide failed to take the proper safety measures to keep Sims on the bus.

The family of a 6-year-old girl run over by a school bus last year sued the Palm Beach County School District on Tuesday in Palm Beach County Circuit Court. On March 2, Ariel Dent of Riviera Beach crouched in front of the bus to pick up some papers and the front and rear tires rolled over her at 147 W. 28th St. She suffered a broken wrist, thigh and pelvis, police said at the time. The bus driver, Wayne A. Ricketts of West Palm Beach, was not named in the suit.

WEST PALM BEACH - Bob Sanders, the last city administrator under former Mayor Nancy Graham, sued another former employer Tuesday for wrongful termination, claiming Stuart businessman David Lester's company owes him more than \$1 million in guaranteed wages. While still working for the city in January 1999, Sanders agreed to take the post of chief executive officer with Lester's International Fine Art Expositions. The company conducts sales of fine art, antiques and jewelry in Beverly Hills, Hong Kong and downtown West Palm Beach. The contract offered a guaranteed \$250,000 a year over five years and a percentage of profits, Sanders said in the suit, filed in Palm Beach County Circuit Court. He started work in April, after leaving his city job, but was terminated in November, the suit said. "He wanted me to handle leasing and that was not the deal," Sanders said Tuesday. Lester said the disagreement is contractual and subject to arbitration.

WEST PALM BEACH - The admitted strangler got 15 years in prison, the woman who heard

Internet – Newspaper Archives Searches

Iola Thomas Mosley

(Articles are in reverse chronological order)

the dying man's gurgling sounds got life and the third person present at the 1998 robbery and murder of Charlie Marlow was convicted of manslaughter Tuesday. Jurors deliberated about six hours before convicting William "Terry" Jones on the lesser charge of manslaughter rather than first-degree murder. Jones' attorney, **Iola Mosley**, argued Jones did not know the robbery was going to take place and didn't participate in the beating. But Assistant State Attorney Marc Shiner said Jones and two others robbed and killed Marlow in his suburban West Palm Beach home to score some quick money to buy drugs.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach
March 26, 1998

MAN FOUND GUILTY IN CARJACK-MURDER OF BIBLE TEACHER

Author: Scott Hiaasen

Jurors found Sergio Soto guilty Wednesday of first-degree murder and five other charges stemming from the carjacking and shooting of a Bible teacher in 1995. Prosecutors said Soto, 21, and another man, Jason Diaz, abducted Rafael Costa, 25, from a Lake Worth gas station to steal Costa's Ford Mustang. With the help of a third man, Ernesto Brady, they took Costa to a remote spot on U.S. 441 and shot him four times. Though Diaz denied shooting Costa, Assistant State Attorney Dan Galo said he should be convicted of murder because he helped with the carjacking and accepted money and a beeper from the theft.

Soto said the carjacking was Diaz's idea, and that Soto was threatened at gunpoint into cooperating. ``Diaz) would have shot Sergio just as surely as he shot and killed Mr. Costa," said Soto's attorney, **Iola Mosley**. Brady pleaded guilty in the murder and was sentenced to 40 years in prison. Diaz is a fugitive. Prosecutors are asking Circuit Judge John Phillips to sentence Soto to death.

Costa's sister, Anna Valdez, said Soto's conviction was more important to her than his sentencing - as long as he's never freed from prison. ``Whatever justice he's getting is for the rest of his life," she said.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

July 2, 1997

Joseph ALFANO, Appellant, v. STATE of Florida, Appellee.

District Court of Appeal of Florida, Fourth District.

July 2, 1997.

Attorney(s) appearing for the Case

Richard L. Jorandby, Public Defender, and **Iola Mosley**, Assistant Public Defender, West Palm Beach, for appellant.

Robert A. Butterworth, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. The error, if any, in admitting the pre-Miranda statement of appellant was rendered harmless by his subsequent confession, the DNA evidence, and the many admissions appellant made to his mother and stepfather regarding the crime. *State v. DiGuilio*, 491 So.2d 1129 (Fla.1986).

We do not find the admission of the post-Miranda statements to have been clearly erroneous, as the appellant's mental condition is merely one of the factors to be considered under the totality of the circumstances to determine the voluntariness of a confession. See *Thompson v. State*, 548 So.2d 198, 204 (Fla.1989), cert. denied, 515 U.S. 1125, 115 S.Ct. 2283, 132 L.Ed.2d 286 (1995). There is sufficient evidence in the record to support the trial court's denial of appellant's motion to suppress.

As to the admission of portions of the appellant's diary, the trial court has wide discretion concerning the admissibility of evidence, and in the absence of an abuse of discretion, its ruling regarding admissibility will not be disturbed. We find no abuse of discretion.

WARNER, SHAHOOD and GROSS, JJ., concur.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
September 23, 1995

MOTORIST CONVICTED IN TRAFFIC SHOOTING

Author: CHRISTINE STAPLETON

An all-white jury asked to decide whether racism or insanity motivated Clurs Harris III to shoot a white businessman decided Harris was a bigot and found him guilty of first-degree murder on Friday. Harris showed no emotion as the verdicts were read after just two hours of deliberations. Besides the first-degree murder charge, Harris was found guilty of burglary of a car and shooting into an occupied vehicle. The jury will reconvene Wednesday to decide whether Harris should die in the electric chair or spend the rest of his life in prison.

After the verdicts, one of Harris' attorneys blasted prosecutors for focusing on race. "I really find it hard to understand that in 1995 we're still playing the race card when there's a black defendant and a white victim," Assistant Public Defender **Iola Mosley** said. "Race had no place in this case. This man is not a racist." Harris, 23, shot Russell Bean, 46, of Wellington four times in the head and neck at close-range as the two were stopped in traffic at Palm Beach Lakes Boulevard and Okeechobee Boulevard on Aug. 2, 1994. Harris' attorneys and every expert who testified said Harris was insane at the time.

Although Harris has no history of mental illness, friends and family members testified to bizarre behavior for months leading up to the murder. Harris frequently talked to himself and complained that he heard voices, they said. As for the race issue, Harris threatened to kill a black co-worker moments before he shot Bean but the co-worker ran away before Harris could shoot, Assistant Public Defender Alysoun Powell said. "Clurs was ready to kill a black man - that wipes out the race issue," Powell said during her closing argument. "Not one person walked through that door and said Clurs Harris hated white people."

But during cross-examination of defense witnesses, prosecutors repeatedly asked Harris' friends and family if they had ever heard Harris refer to white people as "Crackers" and "rednecks." All the defense witnesses said they had. And shortly after Harris was arrested he told police that he had "killed a cracker in West Palm Beach." Harris also liked to listen to Snoop Doggy Dogg and Ice Cube, gangsta rappers whose music has been decried as racist. Circuit Judge Stephen Rapp refused to let the jury hear two of Harris' favorites.

"He's bitter toward white people and he thought they were doing him wrong," Assistant State Attorney Bunnie Lenhardt said. As for introducing race at the trial, prosecutor Robert Gershman said race would have been an issue regardless of the racial composition of the jury.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
September 7, 1995

MURDER SUSPECT'S PLEA DEAL REFUSED
`I'M NOT THE SHOOTER,' JERRI GAITHER TELLS JUDGE, BUT DECLINES TO
SAY MORE

Author: VAL ELLICOTT

A judge refused to accept a plea deal for murder suspect Jerri Gaither Wednesday after Gaither declined to reveal her role in the 1993 shooting of Christina Racey. Gaither, intending to plead guilty to second-degree murder with a firearm, admitted she helped kill Racey but was reluctant to provide details during a brief interrogation by Circuit Judge Virginia Gay Broome. ``I'm not the shooter, your honor," Gaither said, without elaborating.

Broome refused to accept the plea, which called for a 17-year prison sentence. Prosecutor Dan Galo said the state agreed to a plea because convicting Gaither of first-degree murder would be difficult largely because of the lack of a clear motive in the case. Galo said prosecutors believe that Gaither, 38, killed Racey, 44, between July 8 and July 13, 1993 in Boca Raton during a dispute over prescription drugs that Racey was providing to Gaither.

In addition, Racey had ``bookkeeping knowledge" of illegal escort services Gaither was operating, Galo said. Gaither blamed Racey's slaying on a boyfriend, Salah ``Avner" Levy, saying Levy killed Racey because Racey was demanding more money for Percodan pills she was selling to Gaither. Prosecutors initially charged Levy with murder but dropped the charge for lack of evidence.

Gaither's trial remains set for Oct. 16. Jerri Gaither (right), accompanied by public defender **Iola Mosely**, stands before Palm Beach County Judge Virginia Gay Broome on Wednesday. The judge refused Gaither's plea deal in a 1993 slaying case.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
August 22, 1995

MAN SENTENCED TO LIFE IN SHOOTING DEATH OF EX-WIFE

Author: VAL ELLICOTT and CHRISTINE STAPLETON

William Brunner will spend at least the next 25 years in prison for the 1993 murder of his ex-wife, a woman who remains the object of his obsessive love, even in death. "Bill still loves her," assistant public defender **Iola Mosley** said Monday, shortly after a judge sentenced Brunner to life in prison without possibility of parole for 25 years.

"He still speaks of her in the present tense. He would never let (**Mosley** and assistant public defender Peggy Natale) say anything bad about her." Brunner, 34, was convicted June 21 of first-degree murder for shooting Kim Brunner, 24, during an argument outside her apartment west of Boca Raton. On Monday, Brunner said he feels "really hurt and lost."

"When everything is said and done, I still have the same problems." Brunner, who is appealing his conviction and sentence, said he has been seeing a therapist at the jail weekly. Brunner's history with his ex-wife was marked by violence and a constant cycle of separation and reunion, witnesses testified at his trial. Defense attorneys told jurors that Brunner suffered from a hyperactive thyroid, the lingering trauma of an abusive childhood and a lifetime of drug and alcohol abuse. They said he was temporarily insane when he grabbed a gun from his ex-wife and shot her, then slashed her throat.

The same jurors who convicted Brunner split 6-6 on whether he should die in the electric chair. Under Florida law, a tie vote is considered a recommendation for a life sentence. "Hopefully, he won't be getting out anytime soon," said Lenny Lombardo, Kim Brunner's brother. "He's a murderer and he's going to serve his time." Brunner's mother, Doris Christensen, said she was "very relieved."

"At least, even if he spends the rest of his life in jail, he can still be with us." Brunner also was convicted of burglary with assault or battery while armed, shooting into an occupied vehicle and aggravated stalking. Circuit Judge Stephen Rapp ordered that the sentences for those counts run concurrently with the life sentence.

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

Ocala Star-Banner (FL)
January 21, 1995

Deputy under attack helped by John Zile

Author: Mike Folks

FORT LAUDERDALE -- John Zile, facing murder charges in the death of his stepdaughter, was one of three prisoners who came to the aid of a jail deputy under attack by another inmate, jail officials said on Friday. Zile, 32, helped Deputy Lawrence McLaughlin subdue Kevin Kerli when the deputy was assaulted on Jan. 7 at the Palm Beach County Jail. McLaughlin received minor injuries in the attack. Kerli, who was in the jail on charges of unarmed burglary and grand theft auto, was locked down and will remain in his cell until a disciplinary hearing. The unprovoked attack on the deputy occurred in the day room of a 24-bed maximum security mental health housing unit for male prisoners, a Department of Corrections report shows. The unit at the County Jail on Gun Club Road houses inmates who need mental health treatment.

Lt. Chris Kneisley, an inmate classification supervisor at the jail, said Zile was not being held in the unit to receive mental health treatment, but because of threats from other inmates in the general jail population. Zile and his wife, Pauline, 24, each face first-degree murder and child abuse charges in the September slaying of Pauline's daughter, Christina Holt, 7. The other two inmates who aided the deputy were Jon Barnocky, jailed on a charge of aggravated assault on a person 65 years or older, and Michael Wells, held for violation of probation for a drug conviction. Zile, Barnocky, Wells and other inmates were watching television in the unit's day room about 1:45 p.m. on Jan. 7 when Kerli attacked Deputy McLaughlin from behind and struck him on both sides of his head. As McLaughlin struggled to subdue Kerli, Zile, Barnocky and Wells joined the fray.

McLaughlin and the three prisoners brought Kerli down on the floor and held him there, the report says. McLaughlin tried to call for assistance on his radio, but did not hear a response. He then had the nurse push an "officer's duress" button on a nearby control panel, and six deputies rushed to the unit. McLaughlin, who could not be reached for comment, was treated by a nurse for minor injuries to a finger, a knee and a mark on his neck. None of the inmates was injured. Kneisley said one deputy, a mental health technician and a nurse routinely are stationed in the unit. At the time of the attack, only McLaughlin and the nurse were there, with McLaughlin standing at the door. After learning of her client's deed, public defender **Iola Mosely** seized the moment on Friday in a courthouse corridor to tell reporters about it. His actions, she said, show the public another side of John Zile. "We've got a bad case, and it's a case where the public's perception has been that he's a horrible, evil person," **Mosely** said. "I think it was really a brave thing to do. It certainly shows he's not an evil, vicious person."

Internet – Newspaper Archives Searches
Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
November 18, 1994

KRISCHER ACCUSED OF GOING TOO FAR

Author: CHRISTINE STAPLETON

As the legal drama surrounding the death of 7-year-old Christina Holt unfolds, the focus has shifted from what John and Pauline Zile may have done to what State Attorney Barry Krischer said and did. Attorneys for the Ziles want Krischer off the case. At a court hearing today, a judge will hear their complaints that Krischer has been too eager to give news conferences and that he may have overstepped his role as prosecutor by taking part in the questioning of the Ziles. In the wake of the criticism, Krischer, a seasoned prosecutor and veteran criminal defense attorney, is playing it safe. Krischer is declining to comment until a judge hears the evidence against him. But local attorneys familiar with Krischer's legal skills doubt that he has made the legal blunders attributed to him.

“He's smart, he knows the law cold, and I believe he would not act if he didn't think it was legal,” said defense attorney Richard Lubin. “He's aggressive, but he's fair.” Ellis Rubin, Pauline Zile's attorney, launched the first attack on Krischer. Rubin relied on newspaper articles and televised reports to blast Krischer for “self-servingly” trying to “justify the action of his office” and to “glorify himself for personal gain.” Rubin wants the governor to appoint a special prosecutor. Coming from Rubin, a Miami lawyer frequently accused of pandering to the press, such criticism could sound hollow to a judge.

“That motion is ridiculous,” Lubin said. “Ellis Rubin has built a reputation on media shows, and he's created one here.” In court papers filed on Thursday, Krischer's office described Rubin's effort as a “deliberate attempt to mislead the court and pander to the public.” Listening to Rubin's motions “would be a waste of the court's time,” Assistant State Attorney Scott Cupp wrote. Attorneys for John Zile may take a different tack to get Krischer off the case. Assistant public defenders Peggy Natale and **Iola Mosely** said they may ask Krischer to step down because of his personal involvement in the investigation.

“If he was there when either defendant gave a confession, it may be that he shouldn't be the prosecutor,” Natale said. “Barry Krischer may very well be a witness in this case.” At a court hearing this week, Pauline Zile's mother, Paula Yingling, said Krischer also talked to her daughter. According to Yingling, after Pauline Zile revealed what little she knew about her daughter's grave, Krischer said: “Why should I believe you? You've been lying.” During the interview with detectives at the Riviera Beach Police Department on Oct. 27, Krischer was identified as a man with considerable power - the man who “could determine whether she spent her life in jail or (would) go to the electric chair,” Yingling said.

John Zile's attorneys have declined to comment on how involved Krischer may have been in questioning John Zile. Police say two Riviera Beach detectives and an investigator with the state

Internet – Newspaper Archives Searches

Iola Thomas Mosley

(Articles are in reverse chronological order)

attorney's Office questioned John Zile over the course of nine hours at the Riviera Beach Police Station. Krischer was at the station but never directly questioned Zile about the case, a source said.

CONFESSION MAY BE VOIDED

However, a newspaper reporter who interviewed Zile has reported that Krischer played a crucial role in the case. A Miami Herald story based on a jailhouse interview by reporter David Kidwell says Zile alleges police stopped questioning him after he asked for a lawyer, then returned. Zile's wife had confessed. "They said their number one priority was to find Christina," Zile told Kidwell. Zile asked how he could help. Later, Krischer came into the room. Zile's account of the conversation, according to The Miami Herald:

Krischer "said he knew that I had asked for an attorney and that meant they couldn't talk to me anymore, but he said I needed to make some decisions. They wanted to find Christina. . . . He said I was already charged with first-degree murder and that he couldn't make any promises, but that maybe it could be involuntary manslaughter or accidental death if I cooperated." Zile then decided to take police to Christina's grave, according to the Herald. If Zile's story is true, his attorneys likely will ask a judge to throw out his confession and all the evidence discovered as a result of it - including Christina's body.

Investigators cannot suggest the possibility of special treatment as a way of persuading suspects to talk, said John Tierney, a criminal defense attorney. "All you should tell them is that if they cooperate it will be brought to the attention of the prosecutor handling the case. They can't make any promises." Zile may have initially told detectives that he did not want to talk, then changed his mind - as police say happened. Police could then legally resume the questioning. "It has to be very clear that the suspect initiated the second round of questioning," Tierney said. To prove Zile's rights may have been violated, his attorneys likely would question Krischer about his role in the investigation. And that could make Krischer a witness in his own case.

CASE OF ILLEGAL CONFESSION

However, that doesn't mean Krischer overstepped his role as prosecutor. Florida law gives prosecutors the right to investigate and prosecute crimes. Prosecutors "conduct investigations all the time," Lubin said. "If they didn't, people would be screaming how come." When he came to office in January 1993, Krischer established a policy of sending prosecutors to murder scenes. He hoped to ensure that evidence was properly gathered and that police followed legal procedures that would avoid the situation he now finds himself in.

"It's probably a good practice," Tierney said. "But a prosecutor has to be smart enough to not get into a situation where they become a witness." If a judge throws out Zile's confession, the state's case could be doomed. Although it's rare in Palm Beach County, first-degree murder charges have been dropped because of illegal confessions.

In 1989, Palm Beach County prosecutors dropped a first-degree murder charge against Matthew

Internet – Newspaper Archives Searches**Iola Thomas Mosley***(Articles are in reverse chronological order)*

Proctor after a judge ruled that prosecutors could not use the confession he gave to police about his role in the murder of Linda Sue King, the ex-wife of Proctor's best friend, Jeffrey Ashton. In that case, police told Proctor that they were after Ashton and that anything he said could not be used against him because they had not read him his Miranda rights. Proctor then described the murder and how he and Ashton buried King's body. Proctor pleaded guilty to being an accessory and is now free.

'INEVITABLE DISCOVERY'

But in Zile's case, prosecutors could rely on a 1977 U.S. Supreme Court case that created a controversial legal doctrine called "inevitable discovery." On Christmas Eve 1968, Robert Anthony Williams killed a 10-year-old girl and buried her near Des Moines, Iowa. After his arrest, Williams, like John Zile, invoked his right to an attorney.

Police immediately stopped questioning Williams. But while driving Williams to jail, officers struck up a conversation. Knowing that Williams was a former mental patient and deeply religious, they told him that the child deserved a Christian burial. Williams, like Zile, then led police to the girls' grave. Williams was convicted of the girls' murder, but the U.S. Supreme Court ordered a new trial, ruling that police had denied him the right to have an attorney present during questioning.

Although Williams' case seemed doomed, prosecutors successfully argued that police would have "inevitably discovered" the girl's grave. Williams' confession was allowed, and he was convicted again. "If police can demonstrate that they would have inevitably found the body, they still can use the evidence even though there a constitutional violation," Tierney said. "I would say inevitable discovery could play a role in this case."

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Iola Thomas Mosley
(Articles are in reverse chronological order)

Miami Herald, The (FL)
July 8, 1994

ACCUSED KILLER OFFERED DEAL BY PROSECUTORS

Author: JUDY PLUNKETT EVANS

Michael Hoelz, accused of killing a man and a 9-year-old boy by setting fire to their duplex, has been offered a plea deal that could bring him as little as six months in prison, but Hoelz may still want to go to trial. Palm Beach Circuit Judge Marvin Mounts, who said last week that he wanted to consider the case before agreeing to the deal, said Thursday that he would accept it. But Hoelz wants more time to think about it, saying he is not emotionally ready to give up his right to a trial. Defense attorney **Iola Mosley** said Hoelz is reluctant to take the deal because he is innocent. Hoelz has until next week to decide whether to accept the offer.

"He needs to make a decision about this, and the reason it's so hard for him is that he didn't do it," **Mosley** said. Prosecutors and Hoelz's attorneys worked out a deal that requires Hoelz to plead no contest to two counts of manslaughter, in exchange for a prison sentence of 10 years. Because prisons are crowded and Hoelz already has spent two years in jail, corrections officials said, he could serve as little as six months.

Prosecutors offered the deal because they already have tried Hoelz once and that case ended in a mistrial when jurors could not reach a unanimous decision. The state offered no physical evidence to dispute the defense claim that the fire was caused by a faulty electrical plug, not arson. Fire gutted the Lake Worth duplex where Anthony Parker, 9, lived with his three brothers and sisters, his mother and her fiance Lorenzo Smith, 28. Parker died of smoke inhalation during the May 30, 1992, fire, and Smith died of severe burns about a month later. The three other children also were injured, one of them seriously. Police arrested Hoelz, saying he bragged to a nephew that he started the blaze because Smith owed him \$24.

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Iola Thomas Mosley
(Articles are in reverse chronological order)

The Palm Beach Post
March 20, 1994

SERVICE SORORITY GIVES TEENS 'STAY IN SCHOOL' MESSAGE

Author: JULIANA RATNER

The 100 teens were somewhat restless Saturday morning but listened closely to advice about self-esteem and how to get ahead in the world. The second annual Teen Conference at Ezell Hester Community Center was sponsored by the South Palm Beach County chapter of Delta Sigma Theta, an international African-American public service sorority. The workshops for middle and high school students were about self-esteem, peer relationships and cultural awareness. "The purpose is to get across to kids that they can be whatever they want to be," said Jayne Patrick, the sorority's program planning chairperson.

To get input from the audience and find out what they think is important, Marissa Wedges of Africare crisis center said. She asked where they want to be in one, five and 10 years. The goals called out ranged from owning a rehabilitation center to playing football for the Dallas Cowboys. Rather than simply lecturing the kids, she asked them to say what they think is necessary to get ahead and what could possibly hold them back.

Iola Mosley, a Palm Beach County attorney, spoke about her career. She gave an old message, to stay in school, but knew how to reach the young audience. "I get paid," she said. "I get paid good money because I stayed in school." The connection between school and money was a good one, because it was **Mosley's** presentation that caught the attention of one girl.

Angel Woody, 13, of Boynton Beach, said she was talking through some of the presentations, but listened when **Mosley** spoke. "I want to be a lawyer," Angel said.

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(Articles are in reverse chronological order)

The Palm Beach Post
October 10, 1993

BACK ON THE STREET?

Author: RON HAYES

Here we go again. Another spin of the revolving door and Dennis Lee Moore is back home. Back on the street. Back on drugs and headed for trouble. Merrell Conkin saw him when she pulled into the take-out lane of Kentucky Fried Chicken on Blue Heron Boulevard. While she placed her order, he waited up ahead by the front door, nervously glancing around.

Conkin, 49, ordered lunch, then took some money from her wallet while she pulled forward to the pick-up window. It was just after noon last June 16. Suddenly, as she held out the bills with her left hand, he grabbed her wrist, bent her arm painfully back, tore the money from her fingers and ran. After the drive-through clerk and several co-workers had chased him down, the man told Conkin he was sorry for taking her \$3.

His name was Jimmy Lee Moore, he told police. Later, they learned he was Dennis Lee Moore, 31, who had grown up less than a mile away. He had lied, Moore said, because he didn't want to get in trouble. Dennis Lee Moore has been arrested 23 times since 1980 - for trespassing, loitering and prowling, retail theft, strong-arm robbery, aggravated assault, buying and selling drugs. In the past 13 years, his family and psychiatrists have gone to court 15 times to have him Baker Acted - involuntarily examined or treated for paranoid schizophrenia and drug abuse. Finally, in February 1991, a judge ordered him put on a waiting list for South Florida State Hospital in Pembroke Pines, west of Fort Lauderdale. Eleven months later, a bed was found. After 15 months in the hospital, Dennis Lee Moore was back in Palm Beach County.

South Florida State Hospital is the only state facility serving South Florida's 4.5 million citizens. But less than a month before Dennis Moore was arrested at Kentucky Fried Chicken, officials with the state Department of Health and Rehabilitative Services announced their solution to a looming class-action suit that accused the hospital of inhumane conditions. They would close it.

* The crisis at South Florida State Hospital has been a long time coming.

More than 15 years ago, in April 1978, Circuit Judge Edward Rodgers complained that Palm Beach County mental patients he sent there for long-term treatment were being released too quickly. Patients were going from the 45th Street Mental Health Center to the state hospital, Rodgers said, then being returned to the community and winding up right back in 45th Street. The ``revolving door syndrome" repeatedly returned patients to court for involuntary hospitalization - some after only two weeks.

``Two weeks does not appear to be long-term treatment to me," the judge said then. ``Either we're jumping the gun on our evaluations or South Florida has a miraculous cure." When he

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complained about the premature patient releases to hospital administrators, Rodgers said, he was told the hospital didn't have enough staff or money. In 1969, the hospital had 1,700 patients. Today, that number has been reduced to about 350 through deinstitutionalization - a well-meaning attempt to return patients to their own communities for care.

But much of the promised care was never provided. Patients wound up back on the streets, and the hospital is still not accredited by the Joint Commission on the Accreditation of Health Care Organizations, a private group that sets national standards.

* The first signs of paranoid schizophrenia generally appear in the late teens or early 20s. One day in 1977, when Dennis Moore was in 10th grade at Suncoast High School, he and another boy had a disagreement. Moore came home, slipped past his sleeping mother, took his father's handgun from the closet and returned to school. "I don't know whether he aimed at somebody," his mother says. "Some kind of way, the Lord just fixed it that the bullet ricocheted and no one got hurt, but really it seems like he killed himself, because it really destroyed him. He hasn't been the same since."

Dennis Moore's mother, Merdis, is a school bus aide who helps handicapped children get to and from school. His father, Nathan, was a maintenance worker for the city of North Palm Beach until kidney disease forced him to retire. Of their four children, only Dennis has suffered from mental illness. The Moores have lived in the same house in Riviera Beach since 1965, but today bars guard the windows and a hurricane fence encircles the yard.

"We've had about five break-ins," Nathan Moore says in a voice thin and weary from his weekly dialysis. "It's bad everywhere," his wife agrees, "but some areas are badder than others." When he was 4, Dennis fell on a flower vase and had 21 stitches on the side of his head. At 10, he was hit with a soda water bottle and had 20 more on the other side; and then at 14 he fell playing basketball.

"He had a nickname because he had so many cuts and falls," his mother says softly. "They call him Cut, and he hates that. So he's had a lot of head injuries. I think that had a lot to do with it, too." After Dennis was thrown out of school, Merdis Moore says, his mental problems seemed to emerge. He couldn't hold a job. He fought. His father recalls a time when Dennis tried to panhandle quarters, even though he had money in his pocket. Sometimes he imagined people were after him. He talked to himself. Eventually, he started hearing voices. "I think most of the time he tried to ignore the voices," his mother says, "but I don't know whether he ignored the voices all the time. Telling him to do bad things, you know."

On April 14, 1980, two days after West Palm Beach police arrested him for shoplifting - his second arrest - the Moores petitioned the court to have their son involuntarily examined. Mentally ill need help and all so on durgs, his mother wrote. Her son stayed out late, stole things and got into fights, she told the court. If he didn't get help, she feared, someone might hurt him, or he might hurt someone else. At the 45th Street Mental Health Center, a staff psychiatrist

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concluded that Dennis was suffering from a personality disorder manifested by poor social skills, drug abuse, theft and lack of remorse.

The petition and response were the first in a long, sad series of legal papers that now fill a file nearly two inches thick. They document one patient's 13 years in South Florida's mental health system. In 1985, his parents wrote the court he hadn't held a job for more than two weeks since 1977. His mind is very bad, he can't remember things I tell him. Please help him. Thank you. He fights his sister. Please put him somewhere in a mental place so he can get well. In 1986 - after 16 arrests - he was admitted to the crisis stabilization unit at 45th Street Mental Health Center and discharged the same day with an appointment for outpatient treatment.

“He was in and out of 45th Street so many times I couldn't even begin to count it,” his mother says. At the same time, his rap sheet was growing longer - for petty larceny, drinking in public, trespassing, retail theft and aggravated assault.

Finally, in August 1989 - nine years after his parents first sought psychiatric help for their son - Moore was diagnosed paranoid schizophrenic. “Mr. Moore's drug problem is chronic and exasperated by his major mental illness,” testified Dr. Gayle Kesselman, his psychiatrist at 45th Street Mental Health Center, and Circuit Judge Vaughn Rudnick ordered him sent to the Better Way Halfway House at Parkside Recovery Center in Hialeah.

Shortly after arriving at Parkside at 2 p.m. on Sept. 11, 1989, he ran away. Goes to houses trying to get money for drugs. Acts like a 3 year old child and sometimes violent. Said he burn house down. He threatens us, all the family members. Was his mother ever afraid of him? “Usually, no,” she says.

In August 1988, a private monitoring agency called the Advocacy Center for Persons with Disabilities investigated South Florida State Hospital. Nurses slept on their shifts, the agency found, and paint was peeling from the walls. Patients were ridiculed and put to bed or gotten up for staff convenience. Soap, dentures, toilet paper and other personal hygiene articles were being withheld. The resulting public outcry brought a new administrator and \$1.8 million to repair leaking roofs, renovate living quarters and train new employees.

During an annual legislative orientation tour in February 1990, flower beds had been planted and vertical blinds installed; but some of the better-groomed, better-clothed patients said paintings and curtains had been put up the day before the tour. Still, nearly everyone agrees the hospital is much improved. In the Jefferson residence building, for example, 60 patients share two floors. Each room is nondescript but neat, with four single beds, four wardrobes and four bed tables. A plastic laundry basket sits under each table. The windows are large jalousies with screens but no curtains. The walls are bare except for the occasional assembly-line art - a cloyingly cute photograph of a koala bear, perhaps.

During the day, seven staff members serve each floor; at night, four staff members remain on

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duty. Condoms and other forms of birth control are provided to the patients on request. Good behavior is rewarded with privilege points, which patients may use to join field trips to the movies or malls. A clothing boutique sells patients' handicrafts, and their artwork is on display. But in September 1990, a joint report by the Public Citizen Health Research Group and the National Alliance for the Mentally Ill trashed whatever cosmetic improvements had been made. "South Florida State Hospital is as physically deteriorated as any state hospital in the nation," the report concluded.

Wards were still crowded. State standards require 15 beds for every 100,000 people in the five counties the hospital serves between Vero Beach and Key West; but the 350-odd beds average out to only about 8 per 100,000 - and they're almost always filled. At one point, some patients were on waiting lists as long as five years, and some reforms brought problems of their own. In 1991, 104 mental patients simply walked off the grounds. In the mental-health bureaucracy, however, hard facts are often softened to pale euphemisms.

Mental patients are "consumers of mental health services." Walking away is called "eloping." The hospital grounds are the "campus." Last year, after the wards were unlocked during the day under pressure from patient advocates, the number of consumers who eloped from the campus rose to 187. But a crisis was already brewing. In April 1989, the Tallahassee-based Advocacy Center had filed a class-action federal lawsuit to force the state to spend whatever was necessary to fix South Florida State Hospital.

* Dennis Lee Moore was arrested and sentenced to five months and 29 days for leaving Parkside Recovery Center, the sentence to be suspended if he completed a drug treatment program. He didn't. On Nov. 6, 1990, Riviera Beach police arrested him for buying cocaine. Took money from his mother. Worry her all the time. Will not take his pills. He talks to his self all the time and steal from his mother and father. Finally, on Jan. 30, 1991 - 11 years after his parents sought help - Dr. Kesselman asked the courts to put Dennis in South Florida State Hospital.

"He is unable to function in the community and needs long-term care," the psychiatrist wrote. Circuit Judge Rudnick found Moore to be "a chronic paranoid schizophrenic" and ordered him held at 45th Street Mental Health Center until a bed could be found at South Florida State Hospital. Nearly 11 months later, in December 1991, he arrived at the hospital. "He was down there for a year and I would go down often to visit him," his mother says. "He was doing fairly well, and when he got out he was doing real good."

After Moore had been in the state hospital for 15 months and 14 days - he eloped once, overnight - doctors decided he had made enough progress to try returning to Palm Beach County. On March 17, he was placed in the Phoenix program, a halfway house run by the 45th Street Mental Health Center. The Phoenix program takes a three-tiered approach to easing mental patients back into the community. In Phoenix I, patients are continually monitored and spend their days in vocational programs at the 45th Street Mental Health Center. In Phoenix II - 12 bungalows on

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Metcalf Court in West Palm Beach - residents are left alone overnight after showing they can prepare meals and take their own medication.

Phoenix III, an old apartment building at 2722 N. Dixie Highway, is for residents who have shown they can hold jobs and get by with only occasional drop-in visits by caseworkers. "Everything you see here," says James Crawford, the program's director of residential services, "you could multiply by six to meet the need." Dennis Moore was to try the Phoenix I program for 30 days. If he did well, his stay could be extended for another 30 days.

The only problem was, Phoenix I is housed in a converted motel at 2901 Broadway in West Palm Beach, a strip of low-rent real estate sometimes known as Crack Alley. "It's a really bad area," Merdis Moore says. "It's right on Broadway where all the dopers and prostitutes are." Within days, Dennis was calling his mother. "He kept telling me, 'Mama, they're trying to get me to start back using drugs,'" Mrs. Moore recalls. For a while, Dennis did well, but in early June he was kicked out of the Phoenix program for smoking crack cocaine with a dealer in his room. After one night in a rented room found for him by a caseworker, Moore was back on the street and his parents filed another petition to have him involuntarily examined.

Mentally ill on dope and drinking if he can get some, any thing to get hi. take little ting, and not take his medi. don't have anyplace to live. But when Mrs. Moore went to file the petition, she was too late. On June 12, Mangonia Park police arrested him for snatching a \$65 money order and \$5 in cash from a woman leaving a check-cashing service.

Four days later, he was arrested at Kentucky Fried Chicken for grabbing Merrell Conkin's lunch money. Awaiting trial on charges of strong-arm robbery, petty theft, burglary to a vehicle and resisting arrest without violence, Moore recently talked about his life during a phone call from the county jail. "I don't think I have a mental problem," he said. "That's what I think it is - just drugs. They be saying I'm a paranoid schizophrenic, but I don't know what they be talking about." He was happy, he said, in the Phoenix program.

"I loved it," he said. "I had my own room, and I had some new clothes and I was doing pretty good." But something went wrong: "I drifted back on drugs. I don't think I'd do that no more if I get another chance. Somebody must have said some kind of magic word that means evil to me and I didn't take it for the right thing."

* On May 21, the state Department of Health and Rehabilitative Services announced plans to phase out South Florida State Hospital over three years. Bringing the 36-year-old institution up to acceptable standards would cost about \$20 million, HRS concluded, and the \$82,000 annual cost of caring for one patient there could be cut to about \$34,000 if patients were treated in their own communities through programs such as Phoenix. "We would have ended up with the best horse and buggy money could buy," HRS spokesmen said, and the horse-and-buggy metaphor for an outdated mental hospital fast became the official line.

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Lt. Gov. and acting HRS Secretary Buddy MacKay used it in the Broward County Commission Chambers on June 17, when a standing-room-only crowd appeared for a legislative task-force hearing on the hospital closing. "We don't want the best horse and buggy in town," MacKay said, and assured the crowd that the decision to close was not made for fear of losing the upcoming federal suit, but solely on the best interests of the patients.

Don't worry, MacKay said, the hospital will not close until adequate local services are in place and paid for. And then, for the next three hours, relatives, advocates, mental patients and hospital employees stepped to the microphone one by one and said basically the same thing: We don't believe you. As Pattie Hunt, a Jupiter mother whose son has been in the hospital six years, put it: "A horse and buggy looks pretty good to somebody on the street that can't get help!" In a strange way, part of Merdis Moore is relieved to have her son in jail.

"I'm glad he's in jail because there wasn't no place I had for him to go at the time," she says, "and that's bad. I didn't want him on the streets because I know there's nothing but death and destruction out there, especially for him." On Sept. 7, a day before the federal lawsuit against South Florida State Hospital was to be heard in Miami, lawyers for HRS and the Advocacy Center reached an agreement that avoids a trial and sets strict guidelines for discharging patients. Under the 24-page settlement, the state must provide community support programs if the hospital closes, or pay for improvements if it doesn't.

At about the same time, the six-member legislative task force recommended that South Florida State Hospital remain open, with A.G. Holley Hospital in Lantana perhaps expanding to accept Palm Beach County patients and a smaller facility placed in Dade or Monroe counties for patients from the southern area. South Florida State Hospital is being under-used and local services either don't exist or can't absorb all the patients if it closes. And, the report concluded, getting South Florida State Hospital accredited should be a goal. But the hospital's fate remains with the full Legislature, which has yet to act.

"I won't vote to close it," vowed state Rep. Carol Hanson, a Boca Raton Republican. "Over my dead body. I don't know if it's going to be more economically feasible to build a new facility, but there's got to be something in place. We can't walk away and turn our backs while we continue to build aquariums and theaters for the performing arts." At 8:45 a.m. on the same day the suit was settled, Dennis Moore was taken from the jail for a status hearing in Room 315 of the Palm Beach County Courthouse. Fifteen years had passed since Judge Edward Rodgers complained about the system's endlessly revolving door.

Merdis Moore sat alone in one of the spectator benches when her son filed into the courtroom, chained to 10 or 12 other prisoners. From a seat in the jurors' box, he sometimes waved to strangers entering the room. When Moore's name was called, Assistant Public Defender **Iola Mosley** gestured for him to remain seated while she approached the microphone to tell the judge that psychiatric evaluations were not complete. In less than five minutes, Moore was being led back to jail. "I'd like to get him into a Phoenix program as quickly as possible," **Mosley** reassured

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Mrs. Moore. ``I'm working to get him back into the mental health system because it's been my experience that when they're kept in jail, they just deteriorate."

Dennis Lee Moore's trial on the robbery at Kentucky Fried Chicken is set for Thursday morning. He will appear before Circuit Judge Edward Rodgers.

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Miami Herald, The (FL)
July 30, 1991

RAPE CHARGES FILED AGAIN AGAINST TEEN'S STEP-FATHER

Author: LORI ROZSA

A videotape of a man once charged with sexually assaulting his 13-year-old step-daughter that shows him lifting heavy bags and having lively conversations helped convince prosecutors to refile the rape charges -- after they were dropped because the man was deemed incompetent to stand trial. Assistant State Attorney Doug Fulton said Monday the man is once again charged with two counts of sexual activity with a child, the same charges he faced in 1988 after his step-daughter told police he assaulted her. She became pregnant and later miscarried. The Herald is not printing the man's name to protect the girl's identity.

Fulton dropped the original charges against the man because medical experts said he was incompetent, and he had convinced doctors and other observers that he was barely able to speak or sit up in a chair.

Fulton said the man appeared to be in horrible physical shape, and when the girl's mother pushed for dismissal of the charges, Fulton agreed to drop them in May 1990. But a year later, a civil court judge found that the man's claim of "organic brain syndrome" arising from a work-related injury six months before he was charged with rape was a sham. Judge Lisa Campbell denied the man's workman's compensation claim after watching a videotape presented by attorney Neal Ganon.

The tape shows the man driving, lifting a 50-pound bag of dog food, and having animated conversations with people.

"In court, he kept his eyes down, his arm was bent up in a fetal-like position, you could hardly get a word out of him without him looking like he was in pain," Ganon said. "And here he is smiling, with easy, joyful expressions. He's even driving."

Iola Mosely, the public defender who represented the man in the original charges, said she hasn't seen the videotape. "Just because a person can lift something does not mean he is mentally competent or able to understand the charges that are pending against him," Mosely said. Fulton said the step-daughter had gone to live with her natural father.

Research compiled by: Cara Slade and Amanda Kuhl
 Colin Baenziger & Associates