

IN THE SUPREME COURT OF FLORIDA

IN RE:

STATEWIDE GRAND JURY

CASE NO: SC22-_____

_____/

**PETITION FOR ORDER TO IMPANEL
A STATEWIDE GRAND JURY**

Petitioner, Ron DeSantis, Governor of the State of Florida, respectfully petitions this Court under section 905.33, Florida Statutes, for an order to impanel a statewide grand jury. As grounds for the petition, Petitioner offers the following:

Jurisdiction

1. Petitioner, Ron DeSantis, is the Governor of the State of Florida.
2. This Court has jurisdiction over this matter under section 905.33(1), Florida Statutes, which provides:

Whenever the Governor, for good and sufficient reason, deems it to be in the public interest to impanel a statewide grand jury, she or he may petition in writing to the Supreme Court for an order impaneling a statewide grand jury. . . . The Supreme Court may order the impaneling of a statewide grand jury, in accordance with the petition, for a term of 12 calendar months.

3. Petitioner has consulted with the Attorney General and the statewide prosecutor regarding this petition. The statewide

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prosecutor will serve as the legal adviser to the statewide grand jury. *See* § 905.36, Fla. Stat. (2021).

4. For the good and sufficient reasons described below, Petitioner has determined that it is in the public interest to impanel a statewide grand jury and that the crimes and wrongs to be investigated, as also set forth below, are of a multicircuit nature. *See* § 905.33(1), Fla. Stat.

Factual Background

5. Foreign nationals who illegally enter and then settle in the United States sometimes seek to bring family members illegally across the border to join them in the United States.

6. Frequently, illegal aliens do so by paying transnational criminal organizations (TCOs) or other illicit actors to smuggle their family members into the United States. *See generally* Memorandum from John Kelly, Secretary of the Department of Homeland Security, to Department Leadership, *Implementing the President's Border Security and Immigration Enforcement Improvement Policies* 10–11 (Feb. 20, 2017); Laura Gottesdiener, *A Family Business: How and Why Smugglers are Bringing More Children to the U.S. Border*, Reuters (Mar. 23, 2021).

7. As has been documented, illegal aliens sometimes hire TCOs or others to smuggle their children alone—that is, unaccompanied by a family member or legal guardian. *See, e.g., United States v. Nava-Martinez*, No. B-13-441-1, 2013 WL 8844097, at *3–4 (S.D. Tex. Dec. 13, 2013) (Order). In *Nava-Martinez*, for instance, Patricia Elizabeth Salmeron Santos, who was living illegally in the United States, “solicited human traffickers to smuggle [her daughter] from El Salvador to Virginia.” *Id.* at *1. She agreed to pay \$8,500 for her daughter to be taken on this dangerous journey. *See id.*

8. This incident was not an isolated occurrence. The court noted that it was “the fourth case with the same factual situation this Court has had in as many weeks.” *Id.* at *2.

9. The court observed that the smuggling of unaccompanied alien children benefits TCOs because they control most of the human smuggling routes and networks in Texas. *Id.* at *3.

10. Many children who are smuggled are “assaulted, raped, kidnapped and/or killed.” *Id.* at *4. They are used to traffic drugs and weapons, as well as launder money. *See id.* Most heinous of all, these children, especially the young girls, are often sexually exploited. *See id.* The journey is also treacherous. *See id.*

Smugglers often use unsafe vehicles, stay in “squalid conditions in stash houses,” cross rugged terrain, and expose the children to other harsh environmental conditions. *Id.*

11. Typically, unaccompanied alien children who are detained at the southern border after illegally entering the United States are transferred to the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services, which houses and cares for the children until they can be placed with a sponsor pending the resolution of their immigration proceedings. See William A. Kandel, Cong. Rsch. Serv., R43599, *Unaccompanied Alien Children: An Overview* 10-13 (2021). Nearly all such children are placed with family members who are already present in the United States. For example, “[i]n the first six months of FY2021, 91% of discharged [unaccompanied alien children] were released by ORR to a sponsoring family member. (Of this group 46% were parents or legal guardians, and 45% were other close relatives.)” *Id.* at 12 n.77.

12. The number of unaccompanied alien children who have entered the United States and been placed with a sponsor is staggering. In federal fiscal year 2021, the total number of such children reached 107,686. *Unaccompanied Children Released to*

Sponsors by State, Office of Refugee Resettlement (June 24, 2021), <https://www.acf.hhs.gov/Orr/grant-funding/unaccompanied-children-released-sponsors-state>. So far this fiscal year, 61,143 unaccompanied alien children have already been placed with sponsors. *Id.*

13. Many of these unaccompanied alien children have been released to sponsors in Florida. During federal fiscal year 2021, 11,145 unaccompanied alien children were placed in the state. *Id.* That number is second highest in the country and exceeds the 10,773 children placed in California, which has almost twice the population of Florida. *Id.* Thus far in federal fiscal year 2022, 6,659 unaccompanied alien children have already been placed here. *Id.* Many of these cases almost certainly involve children who were illegally smuggled across the border, apprehended by federal authorities, and then released to family members in Florida.

14. The federal government's failure to control the southern border is well documented. *See generally* U.S. Customs and Border Prot., *Southwest Land Border Encounters*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>; U.S. Customs and Border Prot., *Custody and Transfer Statistics FY2022*,

<https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics>. And many illegal aliens entering at the southern border come to Florida. The federal government confirmed in an October 20, 2021 letter that at least 5,990 single illegal alien adults who were released at the southern border have reported to an Immigration and Customs Enforcement (ICE) field office in Florida between January and August 2021. Attachment A. This number likely vastly underreports the number of illegal aliens entering the United States from the southern border who have resettled in Florida because many enter without inspection and even those who are released at the border and directed to report to an ICE office fail to do so. *See Texas v. Biden*, 554 F. Supp. 3d 818, 831–32 (N.D. Tex. 2021) (explaining that between fiscal year 2008 and 2019, “32 percent of aliens referred to [immigration courts] absconded into the United States” and did not report to their hearings (citation omitted)). As more illegal aliens enter the United States and settle in Florida, more will seek to have their children illegally smuggled here as well.

15. In addition to the crisis at the southern border and the uncontrolled flow of migrants into our country and state, the

situation is made even more dire by the federal government's failure to remove illegal aliens who are already here.

16. Florida law requires state and local law enforcement to transfer custody of criminal aliens to the federal government, at least when the federal government does not refuse to take custody. *See* § 908.105, Fla. Stat.

17. According to reports from federal law enforcement, however, Miami-Dade County is refusing to honor federal requests to take custody of criminal aliens in Miami-Dade's detention facilities, including aliens arrested for attempted murder, domestic violence by strangulation, assault with a deadly weapon, and lewd and lascivious behavior on a minor. Miami-Dade appears to be basing this unlawful conduct on fraudulent use of the victim and witness exception. *See* § 908.104(5)–(8), Fla. Stat.

Nature and Scope of the Investigation

18. In light of the foregoing, Petitioner has determined that there are good and sufficient reasons to deem it to be in the public interest to impanel a statewide grand jury to investigate criminal or wrongful activity in Florida relating to the smuggling or endangerment of unaccompanied alien children brought into the

state, the smuggling or trafficking into the state of other illegal aliens, and the failure to honor federal detainers on criminal illegal aliens.

19. Specifically, such investigation should consider any crime or wrong within section 905.34, Florida Statutes, occurring in the state that relates to the following:

(a) parents, guardians, or other family members of unaccompanied alien children who have conspired with TCOs or other illicit actors to smuggle, and thus endanger, their children;

(b) TCOs, their members, or other illicit actors who smuggle or traffic unaccompanied alien children or other illegal aliens to Florida;

(c) persons and organizations who are involved, directly or indirectly, in transacting with TCOs, their members, or other illicit actors to smuggle or traffic unaccompanied alien children or other illegal aliens to Florida;

(d) persons and organizations who are involved, directly or indirectly, in violating section 908.105, Florida Statutes, or conspiring to violate it, by refusing to transfer custody of criminal aliens to the federal government through fraudulent use of the victim or witness exception; and

(e) other criminal activity or wrongdoing that the statewide grand jury uncovers during the course of the investigation if it determines that pursuing the criminal activity or wrongdoing is in the best interests of the investigation.

20. Because the foregoing activities occur or have effects across the state, a statewide grand jury is an appropriate vehicle to examine these matters, to identify any deficiencies in current laws and enforcement methods, and to recommend new or revised laws and enforcement methods.

21. Pursuant to sections 905.33 and 905.34, Florida Statutes, the jurisdiction of the statewide grand jury will extend throughout the state to investigate crimes, return indictments, make presentments, or direct issuance of reports, and otherwise perform all functions of a statewide grand jury with regard to any offense that is occurring, or has occurred, in two or more judicial circuits in Florida as part of a related transaction or is connected with an organized criminal conspiracy affecting two or more judicial circuits, and that is enumerated in section 905.34, including but not limited to:

(a) Chapter 895, Florida Statutes (the Florida Racketeer Influenced and Corrupt Organization Act (RICO));

(b) Chapter 827, Florida Statutes (child abuse and child neglect);

(c) Chapter 787, Florida Statutes (human trafficking and human smuggling);

(d) Chapter 817, Florida Statutes (identity theft, fraud, and deceit); and

(e) Chapter 777, Florida Statutes (any attempt or solicitation to commit any of the enumerated offenses and any agreement, conspiracy, combination or confederation with another person or persons to commit any of the enumerated offenses).

22. The Florida Department of Law Enforcement shall serve as the primary investigator, though the statewide grand jury may seek the assistance of any law enforcement entity or agency in Florida.

23. The investigation is not limited to any region of the state. Petitioner requests that in the interest of convenience for prospective grand jury witnesses, law enforcement officers, and others, a single circuit should be designated as the base operating area. See § 905.37(2), Fla. Stat.

24. Prospective jurors should also be drawn from that circuit.

See id.

25. Petitioner respectfully requests that this Court designate the 10th Judicial Circuit as the base operating area in which the statewide grand jury should be impaneled because of its central location in the state.

26. Petitioner further requests that the Chief Justice designate a circuit judge in the 10th Judicial Circuit to preside over the statewide grand jury. *See* § 905.33(2), Fla. Stat.

27. For the foregoing reasons, Petitioner respectfully requests that this Court order that a statewide grand jury be impaneled for a term of 12 calendar months, subject to an extension of up to six additional months as provided by law. *See* § 905.33(1), Fla. Stat.

Dated this 17th day of June, 2022.



Ron DeSantis
Governor



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CERTIFICATE OF COMPLIANCE

I hereby certify that this Petition complies with the font requirements of Florida Rule of Appellate Procedure 9.045(b).



Ryan Newman