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# Prosecutor to take Dyer case to grand jury

By Mark Schlueb  
Sentinel Staff Writer

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A prosecutor will go before a grand jury in the coming weeks to present evidence from an investigation of possible voter fraud in Mayor Buddy Dyer's 2004 election campaign.

After a nearly yearlong investigation, Fifth Circuit State Attorney Brad King introduced himself to Orange County grand jurors on Tuesday. He told the *Orlando Sentinel* that the probe is almost complete and that he expects to return with evidence in hand before the panel is dismissed in early April.

"I always hesitate to say an investigation is completed, because anything could happen," said King, who is based in Marion County. "But we're substantially finished."

The grand-jury appearance elevates to a new level an inquiry that started soon after the March election and involved agents from the Florida Department of Law Enforcement and prosecutors from two judicial circuits. State agents seized absentee-ballot envelopes and interviewed dozens of voters as part of their investigation.

King was tight-lipped about the case Tuesday, citing the secrecy that surrounds grand-jury proceedings. Grand-jury hearings are closed to the public, with transcripts and jurors' names sealed. Orange County's 21 grand jurors were hearing evidence on other cases Tuesday when King talked with them briefly.

It is unclear whom -- if anyone -- King might have in his sights: Dyer, his campaign manager, accused ballot broker Ezzie Thomas or even other politicians for whom Thomas has worked.

"We simply try to collect all the facts and look at the application of those facts to the law. There is no specific target in my eyes," King said.

The probe centers on a state law enacted in 1998 in answer to widespread fraud during the Miami mayoral election. The law makes it a third-degree felony punishable by as many as five years in prison and a \$5,000 fine to pay someone or be paid for gathering absentee ballots. Dyer voted for the law when he was in the state Senate.

In the months leading up to the 2004 election, Dyer's campaign paid \$10,000 to Thomas, a political consultant who specializes in boosting absentee votes. Thomas signed as a witness to 264 absentee ballots from predominantly black west Orlando precincts.

But campaign-treasurer reports indicate only that Thomas was hired for vague "get out the vote" activities, not an absentee-ballot drive.

During a deposition last month, Dyer said he didn't know specifically what Thomas did because he didn't micromanage his campaign. The mayor said Thomas' work was overseen by his campaign manager, Patti Sharp. She could not be reached for comment Tuesday.

Thomas has given a statement to prosecutors -- with the promise of immunity -- indicating he was hired by various Central Florida politicians because of his expertise in gathering absentee votes, according to his attorney. He has worked for former mayor and current Secretary of State Glenda Hood, U.S. Sen. Mel Martinez, R-Fla., when he was running for county chairman, state Sen. Gary Siplin, D-Orlando, Circuit Judge Alan Apte and others.

The case was initially handled by Orange-Osceola State Attorney Lawson Lamar. But Lamar had endorsed Apte for judge, so he stepped aside to avoid the appearance of a conflict. Gov. Jeb Bush appointed King to oversee the investigation.

King isn't required to take his evidence before grand jurors; he has the authority to file charges himself. But legal experts said it is common for prosecutors to do so with politically sensitive cases -- either to inoculate themselves from criticism if no charges are filed or to gain extra credibility if they are.

"That way the state attorney does not become a target of political fallout," said Mark Horwitz, an Orlando defense attorney and former federal prosecutor.

Grand jurors can issue indictments, draft a report with no indictment or decline to take further action.

Dyer's lawyer said the mayor has not heard from prosecutors, but he is ready to answer any questions they have.

"If they want to hear from the mayor, all they have to do is invite him," attorney Robert Leventhal said. "They don't have to subpoena him, and he will not require any kind of immunity."

As the criminal case moves forward, so does a separate civil lawsuit that involves many of the same allegations. Ken Mulvaney, who finished second in the mayor's race, filed suit accusing Thomas of mishandling enough absentee ballots to give Dyer an edge.

On Tuesday, Mulvaney and his attorneys took sworn depositions from Dyer's deputy campaign treasurer and an accounting clerk who worked on his team. Others connected to the case are expected to be deposed on Friday.

Mulvaney said he is confident he can prove his case, but he says Dyer's election workers have been less than forthcoming.

"Anybody who has worked directly on Dyer's campaign has amnesia," Mulvaney said. "They don't remember what anybody did."

*Mark Schlueb can be reached at [mschlueb@orlandosentinel.com](mailto:mschlueb@orlandosentinel.com) or 407-420-5417.*

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