



---

**MEMORANDUM**

Agenda Item No. 11(A)(10)

---

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

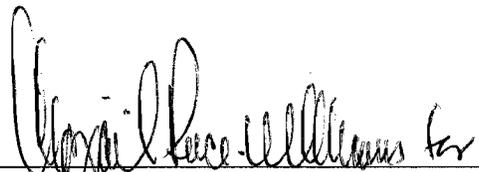
**DATE:** February 17, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the U.S.  
Department of Homeland Security  
not to deport Lyglenson Lemorin  
and further urging the Miami-Dade  
County Congressional Delegation to  
intervene on Lemorin's behalf

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

DATE: February 17, 2009

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 11(A) (10)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(10)  
2-17-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE U.S. DEPARTMENT OF  
HOMELAND SECURITY NOT TO DEPORT  
LYGLENSON LEMORIN AND FURTHER URGING THE  
MIAMI-DADE COUNTY CONGRESSIONAL  
DELEGATION TO INTERVENE ON LEMORIN'S  
BEHALF

**WHEREAS**, two summers ago, the U.S. Department of Justice arrested and indicted seven men from a religious group in Miami, one of whom was Lyglenson Lemorin, alleging that they had engaged in a terrorist plot to blow up the 110-story Sears Tower in Chicago and federal offices in Miami; and

**WHEREAS**, the seven men were held in federal custody as the case progressed, but when the case reached trial, the evidence turned out to be thin, with no evidence that the men had any connections to terrorist groups and what little plot existed was initiated at the urging of a Federal Bureau of Investigation (FBI) informant; and

**WHEREAS**, the case has thus far ended in a deadlocked jury, two mistrials, and in December 2007, a jury found Lemorin not guilty in the alleged terrorist plot; and

**WHEREAS**, the evidence showed that Lemorin distanced himself from the other six defendants months before the arrests and had moved to Atlanta with his wife and three children; and

**WHEREAS**, upon Lemorin's acquittal, Lemorin was not released from federal custody, but instead was transferred to detention with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE); and

**WHEREAS**, Lemorin was detained based on terrorism-related deportation charges that were substantially similar to the charges in the criminal case in which he was acquitted; and

**WHEREAS**, Lemorin was held on deportation charges because he was born in Haiti even though he has been a legal U.S. resident for over two decades; and

**WHEREAS**, ICE has held Lemorin at a rural Georgia detention center over the past year, separated from his wife and children, while four of the six other defendants in the criminal case are currently free on bond awaiting a third re-trial; and

**WHEREAS**, in August, 2007, an immigration judge at the Krome Avenue Detention Center conducted a week-long deportation hearing on Lemorin; and

**WHEREAS**, both the standard of proof and rules of evidence are lower in a deportation hearing than in a criminal trial and double jeopardy does not apply, meaning the immigration judge could still find that Lemorin committed the acts underlying his acquittal in the deportation case and these acts could serve as the basis for Lemorin's deportation; and

**WHEREAS**, the immigration judge recently issued an order of deportation regarding Lemorin, finding that while Lemorin did not participate in the main activities the group undertook, Lemorin had provided material support to a group he knew had plans for attacks; and

**WHEREAS**, Lemorin is currently appealing the immigration judge's decision; and

**WHEREAS**, Lemorin is believed to be the only legal U.S. resident acquitted of terrorism charges and with no prior criminal record to be deported from the U.S.; and

**WHEREAS**, the circumstances of the Lemorin case appear not only to be unprecedented, but to also set a potentially dangerous new legal precedent; and

**WHEREAS**, it is one thing to deport a person not legally in the U.S. who commits a crime, but quite another to deport a person who is legally in the U.S., has been acquitted of a crime, and has no criminal record; yet that is what ICE appears to be doing in the Lemorin case; and

**WHEREAS**, Lemorin also faces possible persecution in Haiti if he is deported,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the U.S. Department of Homeland Security not to deport Lyglenson Lemorin.

**Section 2.** Urges the Miami-Dade County Congressional Delegation to intervene on Lemorin's behalf.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to Representatives Lincoln Diaz-Balart, Mario Diaz-Balart, Kendrick Meek, Ileana Ros-Lehtinen and Debbie Wasserman-Schultz and the Secretary of the U.S. Department of Homeland Security.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

5

Dennis C. Moss, Chairman  
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro  
Carlos A. Gimenez  
Barbara J. Jordan  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Joe A. Martinez  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of February, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty