

MEMORANDUM

Agenda Item No. 11(A)(26)

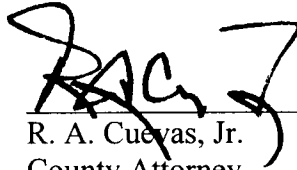
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

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

SUBJECT Resolution urging the U.S.
Department of Homeland
Security to reconsider its
decision 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/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

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SUBJECT: Agenda Item No. 11(A)(26)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(26)
2-1-11

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. DEPARTMENT OF
HOMELAND SECURITY TO RECONSIDER ITS DECISION
TO DEPORT LYGLENSON LEMORIN AND FURTHER
URGING THE MIAMI-DADE COUNTY CONGRESSIONAL
DELEGATION TO INTERVENE ON LEMORIN'S BEHALF

WHEREAS, in 2006, the U.S. Department of Justice arrested and indicted seven men who were part of 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 an FBI informant; and

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

WHEREAS, in December 2007, a jury found Lemorin not guilty in the alleged terrorist plot, and by last year, all seven men had been acquitted; 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 has been held on deportation charges ever since because, even though Lemorin has been a legal U.S. resident for over two decades and grew up in Miami, he was born in Haiti; and

WHEREAS, ICE has placed deportations to Haiti on hold following the catastrophic January 12, 2010 earthquake, but deportations to Haiti are set to resume January 12, 2011 and Lemorin is subject to deportation any time after January 12, 2011; and

WHEREAS, Lemorin faces possible persecution in Haiti if he is deported; and

WHEREAS, Lemorin is currently fighting his deportation in court, recently filing an emergency petition to stop his deportation; and

WHEREAS, were Lemorin to be deported, he would leave behind in North Miami Beach his wife who undergoes kidney dialysis and three children; and

WHEREAS, according to immigration experts, deportation under Lemorin's circumstances is highly unusual, and Lemorin may be the only legal U.S. resident acquitted of terrorism charges with no prior criminal record to be deported; and

WHEREAS, the circumstances of the Lemorin case appear not only to be unprecedented, but also to 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, on February 17, 2009, this Board approved Resolution No. 126-09 related to the Lemorin case, urging the U.S. Department of Homeland Security not to deport those individuals who have been found innocent at trial and are legal residents of the U.S.,

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 to reconsider its decision 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 the members of the Miami-Dade Congressional Delegation 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 1st day of February, 2011. 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

