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GOVERNOR

STATE OF FLORIDA

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August 22, 2005

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Mr. Steven J. Cohen Esdale  
Suite 151, 1112 Weston Road  
Weston, Florida 33326

Dear Mr. Cohen Esdale:

Thank you for your letter regarding the way a criminal case was handled by various investigative and prosecutorial authorities. I am sorry to learn of your concerns and appreciate the opportunity to respond.

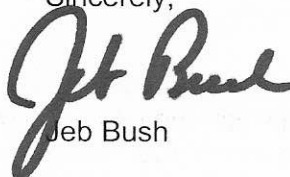
As you may know, the Florida Constitution limits my ability to intervene in criminal investigations and criminal court cases. Each state attorney is an elected official charged with certain discretionary duties, including the duty to determine whether or not to prosecute any particular crime committed within his or her jurisdiction. This decision is based on the quality and quantity of the evidence of guilt shown, and in the best interest of justice. I understand you communicated your concerns to local law enforcement, the state attorney's office and the Federal Justice Department. I am sorry to learn you are dissatisfied with their responses to you in this regard and wish I could be of further assistance.

For further assistance, you may wish to work with private legal counsel to answer your questions and help you resolve this situation. If you need assistance in locating an attorney, please call the Florida Bar's Referral Service at 1-800-342-8011. For those unable to afford a lawyer, Florida Legal services or your local legal aid office has information about the availability of pro bono counsel. The main telephone number for Florida Legal Services is 850-385-7900.

Voters elect their public officials to manage government business. Those dissatisfied with the performance of elected officials at the local, state or Federal level can always make their views known directly to those officials, or they can do so when they vote.

Thank you again for writing. I am sorry to learn of your loss and the problems you continue to face. Please know this is due to lack of jurisdiction, not lack of concern.

Sincerely,



Jeb Bush

JB/hwd



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61A

February 23, 2006

Mr. Steven Cohen Esdale  
1112 Weston Road, Suite 151  
Weston, FL 33326

Dear Mr. Esdale:

Enclosed is a letter from FDLE Commissioner Guy Tunnell to me, concerning FDLE's involvement in the investigation into your father's death. As you can see, the commissioner, and several of his supervisors and investigators, have reviewed the claims you made in your January 6, 2006 letter to the Governor, including the affidavit of Mr. Tidwell. When they did, they were armed with the specifics of the investigation, and able to make an informed judgment of the case. Commissioner Tunnell has concluded that there is "no credible, viable basis for further FDLE involvement in this matter".

With regard to your allegations that members Commissioner Tunnell's staff committed misconduct or lied, he has advised that you may wage a formal complaint to Inspector Scott Grant at (850) 410-8240. Inspector Grant is a supervisor in FDLE's internal investigations unit.

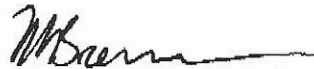
I know you believe that the information you have amounts to a prosecutable case against Maria Cohen for the murder of your father. Unfortunately, from your standpoint, professionals in the law enforcement field, who are in the best position to access the evidence in this case, as well as assess the viability of evidence in this case, disagree with your position. I hope you can understand that the Governor is neither an investigator, nor a prosecutor. He relies on the expertise of those in the law enforcement field. The investigation into your father's death has been conducted not only by local law enforcement in Sarasota, it has been reviewed by them as well. It has been further reviewed by FDLE. Most recently, it has been reviewed by the Commissioner of FDLE himself. All of these law enforcement officers, with their combined expertise, have concluded there is no further action warranted in this case at this time.



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Mr. Esdale, I recognize that this is not the response you had hoped for. It is my hope, nonetheless, that you find peace soon over the loss of your father.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victoria R. Brennan", written over a horizontal line.

Victoria R. Brennan  
Assistant General Counsel





# Florida Department of Law Enforcement

**Guy M. Tunnell, Commissioner**

Jeb Bush, Governor  
Charlie Crist, Attorney General  
Tom Gallagher, Chief Financial Officer  
Charles H. Bronson, Commissioner of Agriculture

February 22, 2006

Victoria R. Brennan  
Assistant General Counsel  
Office of the Governor- The Capitol  
Tallahassee, Florida 32399-0001

RE: Death of Murray Cohen- EI-73-6063 IR 3

Dear Ms. Brennan:

Your letter dated February 1, 2006, and the attachments received have been reviewed and assessed. Additionally, I have also discussed this matter with several supervisors/investigators from this office.

At this time, it would not be appropriate to engage in a point-counterpoint concerning the various allegations made by Mr. Esdale concerning the above death case. The agency charged with the responsibility for investigating this matter is the Sarasota Sheriff's Office. FDLE provided some assistance on a limited basis. Moreover, PDLE also opened a point of communication between Mr. Esdale and the homicide investigator assigned to the case.

Mr. Esdale has and continues to present numerous theories and allegations concerning Mr. Cohen's tragic demise. He has been uncooperative with local law enforcement and FDLE, while remaining unreasonably demanding in his expectations of this investigation. While we sympathize with his concerns regarding Mr. Cohen's death, there is no credible, viable basis for further FDLE involvement in this matter.

Regarding allegations that PDLE members committed misconduct and/or lied to Mr. Esdale, he should be advised to contact Supervising Inspector Scott Grant of our internal investigations unit at 850-410-8240.

Should you have any questions concerning this response, please feel free to contact me.

Sincerely,

Guy M. Tunnell  
Commissioner

Richard E. Lober, Chief Inspector  
Executive Investigations

cc: The Honorable William F. Balkwill, Sheriff  
Special Agent-In-Charge E.J. Picolo

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## Camp faces independent review

### FDLE official's role concerns prosecutor

By Melissa Nelson

The Associated Press

Posted March 31 2006

A special prosecutor investigating the death of a 14-year-old boy punched and kicked by guards at a juvenile boot camp said Thursday that an "independent law enforcement agency" will help with the probe because he has concerns about the Florida Department of Law Enforcement.

Mark Ober, Hillsborough County's state attorney, cited recently disclosed e-mails from FDLE Commissioner Guy Tunnell, who sent private messages to Frank McKeithen, a close friend and Bay County's sheriff. McKeithen's office runs the boot camp that the state is investigating in Martin Lee Anderson's death.

In the e-mails, Tunnell criticized those who questioned the effectiveness of the boot camp concept. Tunnell started Bay County's boot camp when he was sheriff. The e-mails with McKeithen and others also discussed FDLE's effort to withhold a video showing the guards' confrontation with the boy during a 30-minute encounter Jan. 5. He died a day later.

After two legislators asked to see the video, Tunnell wrote in an e-mail to department staffers: "Ain't gonna happen."

The video was later

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Ober, based in Tampa, said Hillsborough County Sheriff David Gee agreed to assist with the investigation, but he didn't say whether Gee would replace FDLE in the probe.

"I have determined that it is in the best interest of this investigation that an independent law enforcement agency assist my office in completing this investigation," Ober said in a statement. His office declined further comment.

Tunnell offered Ober his agency's continued assistance and support.

"I express my regret for the unfortunate perception that has developed in recent days that may have caused there to be doubt about my personal integrity, and more importantly, that of my agency in regards to this critical investigation," Tunnell said in a statement.

Gov. Jeb Bush said, "Perception matters when you're dealing with sensitive investigations and the fact that Mr. Tunnell was the former sheriff of Bay County, then the e-mails, I think it was the right decision by Mr. Ober. It doesn't mean Guy has done anything wrong, it doesn't mean FDLE was derelict in its duties by any stretch of the imagination, that's completely false."

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Posted on Tue, Mar. 28, 2006

 [email this](#)  [print this](#)**BOOT CAMP INQUIRY****E-mails put Florida investigator in hot seat**

**As his department conducted an investigation into Martin Lee Anderson's death, the head of Florida's top police agency carried on back-door chatter with the sheriff who ran the boot camp where Martin died.**





BY CAROL MARBIN MILLER  
[cmarbin@MiamiHerald.com](mailto:cmarbin@MiamiHerald.com)

When the family of Martin Lee Anderson questioned the impartiality of Florida's top state lawman, Guy Tunnell, in investigating the teen's death at a Panama City boot camp, Tunnell assured Floridians he would be fair and impartial.

The reason the family was suspicious: Tunnell, head of the Florida Department of Law Enforcement, is a former sheriff of Bay County, founded the boot camp, and is friends with the current sheriff, Frank McKeithen, whose office runs the camp.

Now, a series of e-mails obtained by The Miami Herald shows that at the same time his agency was investigating the camp, Tunnell kept a running commentary to McKeithen, other sheriffs and his own staff in which he let off steam and disparaged critics of his investigation and the state's boot camps.

**GUY TUNNELL**[More photos](#)

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He also kept McKeithen abreast of the FDLE's efforts to keep a video -- which showed boot camp guards kneeling and punching the teen hours before his death -- from becoming public.

#### RUNNING COMMENTARY

He sent McKeithen an e-mail on Feb. 9, the day The Miami Herald published a story quoting two members of the House Criminal Justice Appropriations Committee -- Miami Beach Democrat Dan Gelber, a former federal prosecutor, and Miami Beach Republican Gus Barreiro -- who had seen the video and said Martin had been "brutally" beaten and "flung around like a rag doll."

The two lawmakers were the first to view the video before its release. Gov. Jeb Bush told reporters he was "constrained" from discussing the tape, and indirectly criticized the two legislators who "weren't as constrained."

Tunnell sent McKeithen a copy of the Bush's remarks, adding: 'I understand that the Guv was just a 'little' sarcastic when he referred to those 'less constrained' from commenting - - such as the two representatives.'

Earlier that day, Tunnell forwarded to the sheriff -- with the brief message "FYI!" -- an e-mail from his spokesman, Tom Berlinger, saying that the FDLE would fight a request from The Miami Herald for a copy of the video under the state's public records law.

Through a spokesman, Tunnell declined to discuss the e-mails Monday.

"We are working side by side with the special prosecutor that was appointed by Governor Bush as well as members of the Federal Bureau of Investigation, an agency that is closely scrutinizing the matter from a federal and civil rights perspective," Tunnell said in an e-mail.

"If either of them felt that our agency was conducting anything other than a professional, fair and impartial investigation, I would have every expectation that they would not hesitate to raise that issue with me or others."

Said FDLE spokesman Berlinger: "Commissioner Tunnell and the rest of our command staff are, by virtue of our jobs, friends with all 67 sheriffs in the state of Florida. That doesn't stop us from being fair and impartial in any of the investigations we conduct."

Hillsborough County State Attorney Mark Ober will decide whether anyone should be charged in the teen's death.

Martin, 14, entered the Bay County Sheriff's Office Boot Camp Jan. 5 after being convicted of joyriding in his grandmother's car. The video of Martin's last hour at the camp shows about eight guards punch, knee and choke the teen. He died the next day.

On Feb. 16, Tunnell sent McKeithen a copy of a Miami Herald article reporting that the U.S. Justice Department had opened a civil rights investigation into Martin's death.

On Feb. 17, Tunnell sent an email to several members of the Florida Sheriff's Association, including McKeithen, who had been briefed by their lobbyist on events two days earlier, when members of the House Juvenile Justice Committee discussed making big changes to the operation of the state's five boot camps.



"I know -- I'm singing to the choir -- just feels good to get it off my chest!," Tunnell wrote. "For YEARS, we [the Bay County Sheriff's Office] asked for more equitable funding so as to allow us to expand the services, offering transitional phases, step-down, etc., only to be met with more bureaucratic red tape, frustration, etc."

"THERE . . . I DO feel better!," he added.

After Gelber and Barreiro viewed the tape, two other lawmakers sought access to the video, Sen. Stephen R. Wise, a Jacksonville Republican and chairman of the Senate Criminal Justice Committee, and Sen. Rod Smith, an Alachua Democrat and the committee's vice chairman.

"Ain't gonna happen!" Tunnell told several FDLE staffers in a Feb. 9 e-mail.

In response, Assistant FDLE Commissioner Scotty Sanderson then wrote: "We are in contact with the State Attorney and the Medical Examiner, to expedite the Autopsy report and bring this case in for a landing quickly. Our side will be ready to roll out as we get the toxicology findings."

Tunnell replied: "Hurry -- BEFORE I get REALLY carried away!"

The FDLE chief also sent an email to the editorial page editor of The News Herald in Panama City, Claude Duncan, who urged the FDLE to release the video..

"Although I'm happy to fade any heat on the part of my good friend, Sheriff McKeithen, I haven't been the Bay County Sheriff for almost two and one-half years. Am I to assume that, as the then-Bay County Sheriff, I was also responsible for the tragic events of Sept. 11, 2001?" Tunnell wrote.

Lawyers for Martin's family, and the two state lawmakers who were the subjects of Tunnell's emails say they have renewed concerns for Tunnell's fairness in the high-profile case.

Gelber said: "You shouldn't be rooting for either side in an investigation. And these e-mails sort of suggest that. It's very dangerous when you start to root for one side."

Barreiro, who has been a frequent critic of the state's juvenile justice efforts, said he first became concerned about the FDLE's involvement in the investigation on Feb. 8, the day he watched the video at FDLE headquarters.

"They told me before I viewed the tape that Martin did not die of trauma," Barreiro said.

#### CONCERNS RAISED

Barreiro said, from the beginning, it seemed the FDLE agents "were more concerned about the critics of the boot camp than with the officers who beat Martin Anderson to death."

Benjamin Crump, the family's attorney, said he is now more concerned than ever about FDLE's involvement in the case.

"From the beginning, we had concerns about a possible conflict of interest with FDLE doing the investigation," Crump said. "After reading these, it does not ease our