

**CORRESPONDENCE**

**Walsh, Adam**



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 15, 1996

Chief Richard Witt  
Hollywood Police Department  
3250 Hollywood Boulevard  
Hollywood, Florida 33021

Dear Chief Witt:

As I am sure you are aware, our effort to stay the release of the Adam Walsh investigative file was not successful. Notwithstanding the fact that this is continuing to be an ongoing criminal investigation, it is my understanding that the files will be made public tomorrow, February 16th, at 1:00 PM. I have spoken with Joel Cantor, and please find enclosed a copy of a letter I would appreciate be given to every recipient of the Adam Walsh investigative file pursuant to a public records demand.

It is my understanding that you still intend to assign Detective Mark Smith to handle this case, and I strongly urge you to permit him to remain on the investigation. It is the intention of this office to investigate this case in conjunction with your department. I will personally be handling all matters pertaining to this investigation. I will be assigning one of our Investigators to work on this case and assist Mark Smith, so that we may hopefully bring this case to closure as soon as we are responsibly able.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Ray, Jr.".

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:lg  
enclosure



MICHAEL J. SATZ  
STATE ATTORNEY  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 13, 1996

STEEL HECTOR & DAVIS  
1900 Phillips Point West  
777 S. Flagler Drive  
West Palm Beach, Fl 33401-6198

Attention: Martin Reeder, Esquire

Dear Mr. Reeder:

This will confirm our telephone conversation of late yesterday afternoon regarding the case of the *Mobile Press Register, Inc. and Jay Grelen vs. Richard Witt*.

This will also confirm that you asked and specifically made an oral demand for certain public records described herein below, which demand you advised you would put in writing and fax to me. I have received no such fax from you, but I will comply with your oral request for:

any correspondence/or communications from the Walsh Foundation; or, attorneys from the Walsh Foundation; or, the Walsh family, concerning the action brought by the Mobile Register for the release of records regarding the Walsh investigation; and, any efforts to prevent the release of those records on February 16, 1996, and any contacts which could explain why the State Attorneys Office has become involved in this.

In accordance with your oral request, please find enclosed copies of the following:

1. a memorandum dated January 17, 1996, as redacted, from Mike Christiansen to the "file/Walsh," consisting of (6) pages;
2. letter dated January 31, 1996, from Kelly D. Hancock to Mr. Satz and Mr. Ray, consisting of (1) page;

Martin Reeder, Esquire

February 13, 1996

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...../

3. a fax cover sheet dated February 2, 1996 and a letter consisting of (3) pages, from George J. Terwilliger III;
4. a fax cover sheet dated February 9, 1996, and a letter and enclosed draft affidavit from the same George J. Terwilliger III, consisting of (6) pages;
5. a fax cover sheet dated February 12, 1996 and a (9) page draft of a pleading titled Motion to Intervene, purporting to be brought by John and Reve Walsh, together with attachments consisting of (17) pages.

Sincerely,



RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:pa

Enclosures: as noted

Certified Mail/Return Receipt Requested

#P261 906 167

LAW OFFICES

*Mastriana & Christiansen*

PROFESSIONAL ASSOCIATION

F. RONALD MASTRIANA  
MICHAEL ERIC CHRISTIANSEN  
STEPHEN V. HOFFMAN

FRANK A. MASTRIANA  
1916-1991

2750 NORTH FEDERAL HIGHWAY  
FORT LAUDERDALE, FLORIDA 33306  
BROWARD (305) 566-1234  
DADE (305) 949-1234  
FAX (305) 566-1592




**MEMORANDUM**

TO: FILE/WALSH  
FROM: *MSC* MIKE CHRISTIANSEN  
DATE: JANUARY 17, 1996  
RE: MOBILE PRESS REGISTER - SUMMARY OF MEETING AT HOLLYWOOD  
POLICE DEPARTMENT ON JANUARY 16, 1996  
CC: GEORGE TERWILLIGER

\*\*\*\*\*

1. Attendees: Meeting was attended by John and Reve, George Terwilliger, Lance Heflin, John Reed, Chief Witt, Paul Duggan, Detective Mark Smith, Mike Christiansen and various other deputies. It was at 1:30 P.M. at Hollywood Police Department;

2. 

3.  - Death Penalty: John asked Mark Smith for an update on the case. A discussion was had about John writing a letter to Michael Satz making it clear that he would not demand the death penalty were  to be prosecuted. The thinking was that if  believes the death penalty is an issue, he'll never confess. John wondered why Satz would believe that Walsh was holding out for the death penalty when John had either earlier actually written a letter to Satz or agreed to write a letter to Satz that he would not seek extradition of Jeffrey Dahmer (when Dahmer was a suspect in the case) to Florida, which is a death penalty state;

4. Old Leads: Mark Smith said he went through all of the old leads that had been accumulated over the past 15 or so years. Most of them had been resolved;

*Mastriana & Christiansen*

File\Walsh  
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5. Walshes Not Suspects: Everybody reiterated that John and Reve were not now, never have been suspects in anyone's eyes;

6. Campbell and Monahan: The Chief also stated that James Campbell and Michael Monahan were definitely not suspects. He said Campbell was never a suspect. And he said "beyond the need to ask Michael Monahan certain pointed questions, there was no suspicion that he was a suspect"

Chief Witt said "I think we're clean on the immediate family and all those in close proximity to the family";

7. Greelen, et al: The Chief said that Greeland and the reporter from the Broward Review (I think he's talking about Dan Christenson) are "obsessed" with a conspiracy theory - that Walsh is a "bad guy" and that someone killed Adam in retaliation for some affront that John is responsible for. The Chief went on to explain that there has never been a homicide in the history of American criminal justice of which he is aware that something like this would happen in retaliation for something and that theory was totally, completely and absolutely preposterous. The Chief said that if it was a retaliation, the killer would not have allowed Adam's remains to be in an area where it was unlikely they would ever have found them;

8. Toole Confessions: Mark Smith resumed and said that Toole has confessed and recanted several times. He said Toole has been in prison for 14 years. Toole for 2 days.

9. Witnesses:

10.

11.

*Mastriana & Christiansen*

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[REDACTED]

[REDACTED]

13.

[REDACTED]

14.

[REDACTED]

15.

[REDACTED]

16.

[REDACTED]

*Mastriana & Christiansen*

File\Walsh  
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[REDACTED]

17.

[REDACTED]

18.

[REDACTED]

19.

[REDACTED]

20. HPD Will Release File: When asked what the Chief wants to do, the Chief made it clear he wants to release the file and accuse [REDACTED] of this crime. Chief Witt said that by releasing the file and bring pressure to bear on [REDACTED], this would force [REDACTED] to confess and bring a closure to the case. My view was that everyone around the table, including myself, was incredulous at this bizarre statement;

21. Media Requests, etc: Witt volunteered that there were over 10,000 pages of materials. He said there were have been 100 requests for media sources for access to the Adam Walsh murder file. There have been inquiries from screen writers, from movie producers, etc. He has transferred the file to microfilm;



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22. Legal Posture of Case: I then asked Joel Cantor what the posture of the case was and he surprised us all by telling us that there was an agreed order that says on noon February 16, 1996 unless . . . well, what Joel told us the order said was unless there was an arrest or grand jury proceeding, the file would be released. Then he went on to say that there wouldn't be an arrest in this type of case so basically the only thing that could happen would be a grand jury being impanelled or the commitment made to present evidence to a grand jury. However, at the conclusion of the meeting Joel provided me a copy of the order. I only had a chance to look at it quickly and gave it to George Terwilliger. He gave it back to me just before I left to come back to the office. In looking at it this morning, January 17, the date of this dictation, I see that there are *no contingencies whatsoever* in the order;

23. Notice Required: Joel told me that he would need three days notice of an actual or proposed grand jury proceeding to give Joel sufficient time to make an approach to the court for an emergency hearing staying the agreed order;

24. Follow up with Satz: John was very adamant that he now wants to make contact with Michael Satz and present the evidence that we have on Toole to Satz and have Satz make a determination whether he wishes to prosecute Toole. The thinking is that if Satz agrees that there's enough to go to a grand jury, then the judge will hold up on the file because there would be an active criminal prosecution going on. However, if Satz declines to do this, then it looks like the file is going to be released.

What John wanted from the Chief was a firm commitment that if/as/when the file is released, Witt would make a loud, clear, unequivocal statement that Ottis Toole is the prime suspect and it's only because of a lack of evidence or prosecutorial discretion that Toole has not yet been prosecuted and probably won't be. John said that this would allay as much as possible any concerns that irresponsible journalists will once again swing the spotlight back on the victims of this case rather than the individual that everybody firmly believes is the perpetrator.

25. Little or No Commitment from HPD: I thought it was significant that Chief Witt never wrote anything down as a result of this meeting. As a consequence, I personally have no comfort level that he's going to convene a press conference to point the finger at Ottis Toole. In fact, I didn't see anyone from HPD making notes of compiling any type of action list.

*Mastriana & Christiansen*

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I'm especially troubled that the agreed order was never provided to us prior to January 16, 1996; that there are *no contingencies* whatsoever in the Order; and that there is no hearing schedule. I think that if HPD actually had gone to the judge and said they needed until February 16, 1996 to further explore leads, the agreed order would make reference to the possibility that those leads could develop into something meaningful and there would be appropriate contingencies in the Order. Their absence strongly suggests to me that HPD simply "gave up" on the case. It suggests that they went to the court, told the court that none of the leads meant anything, told the court that the case was closed, told the court that there was no realistic possibility of anything ever happening in this case, and then asked the court for 45 or 60 days within which to put the file together in some kind of an acceptable form. On balance, I see no commitment from HPD to help us in any way, shape or form and, on the contrary, would expect HPD to be taking whatever actions they could to hinder us in our attempt to keep this investigation alive and this file private.

\* \* \* \* \*

The meeting was thereupon adjourned. I faxed a copy of the order to George Terwilliger this morning (January 17).

002053

# McGUIRE WOODS BATTLE & BOOTHE LLP

No. of Pages (including Fax cover sheet): 4 DATE: February 2, 1996  
If all pages are not received, please call the Fax Operator indicated below.

TO: Ralph J. Ray, Jr., Chief Assistant State Attorney

OFFICE/COMPANY/FIRM: Broward County States Attorney's Office

LOCATION: 201 SE 6th St, Ft. Lauderdale, FL

PHONE NUMBER: (305) 831-7911 FAX NUMBER: (305) 831-8047 (ov-6171)

FROM: George J. Terwilliger, III

OFFICE: Washington, DC  
(See list below)

OFFICE	FAX OPERATOR	SWITCHBOARD	FAX NUMBER
ALEXANDRIA	703/739-6200	703/739-6200	703/739-6270
BALTIMORE	410/659-4400	410/659-4400	410/659-4599
CHARLOTTESVILLE	804/977-2517	804/977-2500	804/980-2222
JACKSONVILLE	904/798-3200	904/798-3200	904/798-3207
NORFOLK	804/640-3817	804/640-3700	804/640-3701
RICHMOND	804/775-7456	804/775-1000	804/775-1061
TYSONS CORNER	703/712-5430	703/712-5000	703/712-5050
WASHINGTON	202/828-2830	202/857-1700	202/857-1737
BRUSSELS	011(32-2) 629 42 11	011(32-2) 629 42 11	011(32-2) 629 42 22
ZURICH	011(41-1) 225 20 00	011(41-1) 225 20 00	011(41-1) 225 20 20

SENDER'S DIRECT DIAL PHONE NUMBER: (202) 857-1704

REMARKS:

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Sender Name: Katy Idoni Charge No.: 2015555.0001

Employee No.: \_\_\_\_\_ Total Charge: \_\_\_\_\_

**McGUIRE WOODS  
BATTLE & BOOTHE LLP**

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006-4007  
Telephone/TDD (202)857-1700 • Fax (202)857-1737

February 2, 1996

VIA FACSIMILE

Ralph J. Ray, Jr.  
Chief Assistant States Attorney  
Broward County States Attorney's Office  
201 SE 6th Street  
Ft. Lauderdale, Florida 33301

**RE: Adam Walsh investigation**

Dear Mr. Ray:

As you know, I am friend and counsel to John and Reve Walsh, the parents of the deceased in the referenced matter. We sincerely appreciate your meeting with us on January 30, 1996, and our subsequent opportunities to talk by telephone.

The purpose of our meeting was simple and straight forward: Mr. & Mrs. Walsh wanted to tell you personally of their concern and alarm that the actions of Chief Witt and the Hollywood Police Department in opening the investigative file concerning Adam's death would be the functional equivalent of closing the case - without there having been an adequate opportunity for your office to consider further investigation and/or prosecution. At that meeting, you agreed with us that there was further investigation to be done and that opening the file at this time could both irreparably harm further investigative efforts and curtail the possibility of a prosecution.

As an outgrowth of our meeting, we were given to understand that you would make the views of your office known to Judge Moe to prevent the gross miscarriage of justice that would result from the premature closure of the investigation through the opening of the files. As you know, the Fourth District Court of Appeal, in Riviera Beach vs. Barfield, 642 So. 2d 1135 (Fla. App. 4 Dist.1994), held that the underlying purpose of the exemption for certain criminal investigative information from the requirements of the Sunshine Act is to "prevent premature public disclosure of criminal investigative information since disclosure could impede an on-going investigation or allow a suspect to avoid apprehension or escape detection." In the en banc opinion in the Barfield case (639 So. 2d 1012), the Court referenced existing authority which establishes that: "There is no fixed time limit for naming suspects or making arrests other than the applicable statute of limitations" (at 639 So. 2d 1015). In addition, the Court also quoted, with emphasis, the following: "The fact that the investigators might not yet have decided upon a suspect does not necessarily imply that the investigation fails to meet the statutory requirements

Ralph J. Ray, Jr.  
February 2, 1996  
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of good faith and anticipation of prosecution in the foreseeable future." (639 So. 2d 1015-16).  
The Barfield court itself then stated:

"This decision indicates the police, so long as they are acting in good faith, should be given substantial leeway in conducting an ongoing investigation even where there may be no immediate prospect of an arrest or prosecution." 639 So. 2d 1016.

After an extensive discussion of the history and rationale for the investigative exemption from the Act, the Court rendered this significant and relevant holding:

"Thus, we interpret the definition of active to mean that, even though there is no immediate anticipation of an arrest, so long as the investigation is proceeding in good faith and the State Attorney or grand jury will reach a determination in the foreseeable future, the requested information is not subject to disclosure. Put differently, we construe the phrase "anticipation of an arrest or prosecution" to mean that an arrest or prosecution may result, not that it must." (639 So 2d 1017) (emphasis in original).

As I know you agree, under this standard, disclosure of the investigative file in the Adam Walsh matter is premature and not mandated by the requirements of the Sunshine Act as interpreted by Florida's courts. The Police Department has told both your office and us that there is a primary suspect in the case, more investigation to be done and other leads that may require further investigation. We agree that it is incumbent upon your office to see that the requirements of Florida law are met in criminal investigative matters within your jurisdiction. We are only asking you to do the right thing for the right reasons. As Mr. Walsh so poignantly told you personally, he fully understands that at some appropriate point, the entire investigative file will be opened to public scrutiny and he has no fear of that event occurring - except that it may occur prematurely to the irreparable detriment of the investigation into the murder of his first born son.

Mr. and Mrs. Walsh, along with those supporting them, are doing everything they can to make their views known and to prevent this unnecessary event from becoming one more sorry aspect in the handling of the investigation of Adam's death.

Mr. and Mrs. Walsh have great faith in your office and your dedication to assuring that those guilty of crimes do not escape punishment. We implore you in the strongest possible terms to use all lawful tools at your disposal to preserve the integrity of this investigation and the file that contains the results of investigation until such time as your office has had the opportunity to fully review and consider the matter and take any further action that you deem appropriate. John and Reve will provide whatever support they can to this effort. As we have

Ralph J. Ray, Jr.  
February 2, 1996  
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discussed, if you believe a letter, affidavit or other involvement by the Walshes will aid your effort to pursue the investigation, we will provide it.

Please contact me if there is any further information needed or anything further that we can do to assist your office in this regard.

Sincerely yours,



George J. Terwilliger, III

cc: Mr. and Mrs. John Walsh

LAW OFFICES

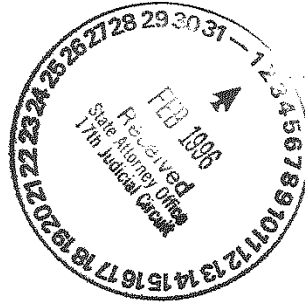
**KRUPNICK CAMPBELL MALONE  
ROSELLI BUSER SLAMA & HANCOCK**

A PROFESSIONAL ASSOCIATION

JON E. KRUPNICK\*  
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R. SUSAN MADERA  
ADMINISTRATOR  
MICKIE DONNELLY  
CLAIMS ADMINISTRATOR  
ELAINE P. KRUPNICK  
OF COUNSEL

January 31, 1996

REPLY TO: FORT LAUDERDALE

Honorable Michael J. Satz  
State Attorney  
Ralph J. Ray, Jr., Esq.  
Chief Assistant State Attorney  
Broward County Courthouse  
201 Southeast Sixth Street  
Fort Lauderdale, Florida 33301

RE: THE DEATH OF ADAM WALSH

Dear Mr. Satz and Mr. Ray:

I want to sincerely thank you for the courtesy and time you recently gave us. I am sure that everything will be examined and that whatever decision is made will be one that will serve justice.

With warm personal regards and highest respect, I remain

Very truly yours,

Kelly D. Hancock

KDH/jb



**MICHAEL J. SATZ  
STATE ATTORNEY**

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

BROWARD COUNTY COURTHOUSE

201 S.E. SIXTH STREET

FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 15, 1996

Dear Recipient of Adam Walsh Investigative File:

The Office of the State Attorney, 17th Judicial Circuit, Broward County, Florida, together with the Hollywood Police Department, is still conducting a criminal investigation in an effort to determine the individual or individuals criminally responsible for the death of Adam Walsh. It is the opinion of this office that the release of specific facts concerning the method and fashion in which Adam Walsh was killed, together with any and all other facts that only the person(s) who committed this offense would know, would have a decidedly negative impact on the successful apprehension, arrest and prosecution of the individual(s) guilty of the commission of this tragic homicide.

Accordingly, it is our sincere request that given this express concern, that in exercising the privilege and right you have to review these files, that you exercise discretion and responsibility in handling this information that is being made available to you, so as not to interfere in the successful arrest, apprehension and prosecution of the person(s) responsible for this horrible crime.

Thank you for reading this, and we are hopeful that you adhere to this request.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Ray, Jr.".

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:lg  
enclosure





**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 12, 1996

**HAND-DELIVERED**

Thomas R. Julin, Esquire  
Mark Heimowitz, Esquire  
200 W. Biscayne Boulevard  
40th Floor  
Miami, Fl 33131-2395

**Re: Mobile Press Register, Inc. & Jay Grelen vs. Richard Witt**

Dear Mr. Julin and Mr. Heimowitz:

Please find enclosed your copy of the Emergency Motion to Intervene and for Temporary and Permanent Stay of Order Requiring Production of Public Records together with a Notice of Hearing.

Thank you for your attention to this matter.

Sincerely,

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:pa  
Enclosures: as noted



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 12, 1996

**HAND-DELIVERED**

Joel D. Cantor, Esquire  
3250 Hollywood Boulevard  
Hollywood, Fl 33021

**Re: Mobile Press Register, Inc. & Jay Grelen vs. Richard Witt**

Dear Mr. Cantor:

Please find enclosed your copy of the Emergency Motion to Intervene and for Temporary and Permanent Stay of Order Requiring Production of Public Records together with a Notice of Hearing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Ray, Jr.".

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:pa  
Enclosures: as noted



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 12, 1996

**HAND-DELIVERED**

Kathleen Pellegrino, Esquire  
Sun-Sentinel Company  
200 E. Las Olas Boulevard  
Suite C10  
Fort Lauderdale, FL 33301

**Re: Mobile Press Register, Inc. & Jay Grelen vs. Richard Witt**

Dear Ms. Pellegrino:

Please find enclosed your copy of the Emergency Motion to Intervene and for Temporary and Permanent Stay of Order Requiring Production of Public Records together with a Notice of Hearing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Ray, Jr.".

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:pa  
Enclosures: as noted



MICHAEL J. SATZ  
STATE ATTORNEY  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

February 12, 1996

**HAND-DELIVERED**

Jerold I. Budney, Esquire  
One Herald Plaza  
Miami, Fl 33132-1963

**Re: Mobile Press Register, Inc. & Jay Grelen vs. Richard Witt**

Dear Mr. Budney:

Please find enclosed your copy of the Emergency Motion to Intervene and for Temporary and Permanent Stay of Order Requiring Production of Public Records together with a Notice of Hearing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Ray, Jr.".

RALPH J. RAY, JR.  
Chief Assistant State Attorney

RJR,Jr:pa  
Enclosures: as noted

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 1900 Phillips Point West  
 777 S. Flagler Drive  
 W. Palm Beach, FL 33401-6198

Attn: Martin Reeder, Esquire

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6. Signature: (Addressee or Agent)

X *[Signature]*

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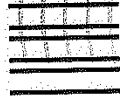
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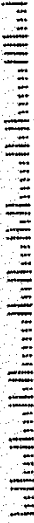


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RALPH J. RAY, JR.  
Chief Assistant State Attorney  
Broward County Courthouse, East Wing  
201 S.E. Sixth Street  
Fort Lauderdale, FL 33301

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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Emborse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

PS Form 3800, June 1991 (Reverse)

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