



## Teens identified in Ray Allen's trespassing case

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A trail of sand was strewn across Ray Allen's tile floor. From the family room and foyer, to the second-floor stairway, the scattered grains were the marks of seven teens who entered Allen's Tahiti Beach home in Coral Gables through a faulty back French door.

Allen's wife, Shannon Walker Allen, lay asleep with her four children in her bedroom. It was 2:31 a.m. Thursday. Ray Allen was not home.

"I was dead asleep but I saw flashlights and heard voices," Shannon Walker Allen told police, according to two 911 tapes released by Coral Gables police on Monday. "Very bright flashlights, like the big, heavy duty flashlights. I guess they were on a tour, pointing out stuff like, 'Oh, wow, look at these pictures. Oh look he has a flat-screen TV.'"

Allen was awakened by "flashes of light" and voices that "sounded like young adults," according to the police report, also released Monday by Coral Gables police.

"What the f--- are you doing in my house?" she screamed out, according to the police report. The Allens live on Tahiti Beach Island Road.

A female voice shouted, "Oh my God," which was followed by laughter, the report said. The teens, all 18 except for one 19-year-old, quickly ran down the stairs, exited through the rear door they had entered from and scampered across the backyard beach facing Biscayne Bay. The teens, all from Miami, were at a party a few doors away, police said.

Police identified the teens Monday night as Ernesto Romero, 18; Jonathan Ramirez, 19; Kevin Ramos, 18; Alana Garcia, 18; Christian Lobo, 18; Angel Sanchez, 18; and Jorge Guerrero, 18.

Initially, the Coral Gables Police Department, after consulting with the Miami-Dade state attorney's office, said it was not going to charge the teens with burglary, a felony. Coral Gables police spokeswoman Kelly Denham has said police could not charge the teens with burglary because there was no forced entry, no criminal intent and nothing was taken — three elements required by Florida law. Ed Griffith, spokesman for the state attorney's office, concurred Monday, saying "there is not enough evidence."

On Monday, Denham said trespassing in an occupied structure, a first-degree misdemeanor, is the likely charge for the seven teens, who are all adults. Police initially had concluded the officers could not make an arrest in the trespassing charge because an officer did not witness the offense, as required by state law. A first-degree trespassing charge carries a penalty of up to a year in jail.

Raul Pedroso, the city's acting police chief, said representatives from the police and state attorney's office met with the Allen family on Monday.

"Our investigators have been working this case from the moment it was first reported," Pedroso said. "We have devoted a lot of time and energy to this matter, as we see it is a very important case, one that we see as a violation of the peace and safety one should expect to have in their home."

"The city's view is that this is a crime," added city attorney Craig Leen, also at the meeting. "We believe it is wrong to enter into someone's residence at any time without the owner's permission. A great wrong occurred here. It is illegal whether it is occupied or unoccupied. It should be treated as a crime."

But whether the incident constitutes a burglary with the intent to commit a crime is open to debate among police and former prosecutors.

Charlie Miller, a former captain with Miami-Dade police who ran the division's burglary unit for 30 years, said he thinks the intruders should have been charged with felony burglary.

"Let it go through the system. We would always charge in this case and later plea bargain or reduce if they made restitution, apologized, did community service," Miller said. "These are adults. These are not juveniles. This is a felony burglary. It was an occupied residence. They knew right from wrong. It doesn't matter whether the Allens are home or not."

Antonio Jimenez, a Miami-based criminal defense attorney who previously worked as a prosecutor in the state attorney's office, agreed.

He said the intruders "should have all been arrested for burglary and at that point let the prosecutor decide whether to file formal charges or reduce it to a trespass."

However, David Weinstein, another former Miami-Dade prosecutor, said elements of a burglary had not been met

and that the appropriate charge was trespassing.

"You got to have what the law requires," Weinstein said. "And based on the evidence, there was insufficient evidence."

Florida Statute 810.07 says "proof of entering ... a structure ... stealthily and without consent of the owner or occupant is ... evidence of entering with intent to commit a crime."

Weinstein agrees with Coral Gables and the state attorney's office — that the incident constitutes a first-degree misdemeanor trespass of an occupied structure.

"If they can prove that there was a theft, or a crime, then that would then take it to the level of burglary, which is a felony," Weinstein said. "However, unless they intend to do something more than just come into your home, and have evidence of it, then it is nothing more than a trespass."

According to Denham, the teens told officers that they were curious to see what the home looked like. There had been a party at a home in the 27 block of Tahiti Beach Island Road, according to the police report. Miami-Dade property records list the owner as Philip A. Sigel.

Calls to numbers listed under Sigel's name were not returned Monday.

A supplemental police report, released Monday night by Coral Gables police, indicated police found the seven teens standing outside a home in the 4000 block of Bonita Avenue in Coconut Grove around 4:30 a.m. Thursday. The owner is listed as Marci Sigel, according to property records.

According to the report, Marci Sigel told police that her daughter, Sarah, "was spending time with her friends at the beach in the Tahiti Beach development before they all went off to college tomorrow. They "went to the community beach area, started a bonfire, listened to music and ate s'mores."

They started talking about the house

adjacent to the beach, which Allen lived in, according to the report. "They believed that Mr. Allen had move away from the home in order play basketball in Cleveland."

She added that Sarah's father lives on Tahiti Beach and that was how they were able to gain access to the community. Ms. Sigel stated she learned that seven of her daughter's friends did something 'stupid.'

When reached by phone Monday night, Marci Sigel said, "I'm not talking to you." She hung up.

Denham said there was no burglary charge because there was no intent.

Jimenez, the former prosecutor, took Denham to task on the criminal intent issue: "You are inside the home, there is an assumption in the law that you are intending to commit a crime."

Jimenez said prosecutors would have had 21 days to determine if there's enough evidence to file a charge of burglary or reduce it to trespassing or take no action.

Israel Reyes, a legal adviser for the Coral Gables Police Department, said Monday he believes there is a "loophole in the law."

"The Florida Legislature and the governor need to address what happened in this case by amending the law to either allow police to arrest someone who commits this offense, whether or not it occurs in the presence of the officer, or by reclassifying trespass in an occupied dwelling as a third-degree felony," he said. "It is unacceptable to the city of Coral Gables that an individual can walk into someone's home in the middle of the night and not face immediate arrest."

Gregory Victor, Allen's attorney, declined a request for an interview.

Police said Allen's door was unlocked; Victor has said it was locked. According to the police report, "Mrs. Allen indicated that the door had

problems with the lock and was easily opened."

The door's condition "makes no difference" in determining whether a burglary charge is warranted, Jimenez said.

In the 911 tape, a gatehouse guard is heard reporting the incident to a Coral Gables police dispatcher.

"I'm the security guard here at Tahiti Beach," the male voice said, adding that Shannon Walker Allen just called the Tahiti Beach security. "She says that a group of kids broke into her backyard and are with flashlights."

According to the police report, police and detectives searched the home and surrounding residences, along with the neighboring Tahiti Beach and Cocoplum neighborhoods. They found nothing.

The security guard told police shortly thereafter, "two to three vehicles left his checkpoint in what appeared to be a hurried fashion," according to the police report. The security guard provided police with his handwritten log that he recorded the tag information for the vehicles; all three tags were not registered in the Department of Highway Safety and Motor Vehicles database.

"Unfortunately all three tags were either incorrectly written or were not valid tags to begin with," the report said.

Meanwhile, the Allens are taking the entire incident "very seriously," Leen said, adding Shannon Allen was "very upset" about what occurred.