

# **Old School Florida Smuggling –**

## **An amazing history through the lens of one family**

By

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The evolution of drug smuggling and related crimes in South Florida can be viewed through the thread of one small family and their many criminal associates by way of one or two degrees of separation in the drug smuggling world. These connections involved a vast and colorful cast of characters that included its share of dirty attorneys, crooked cops, suspect former prosecutors, corrupt elected officials and even alleged links to the Central Intelligence Agency.

All of their interwoven stories provide an educational and amazing explanation of the times and how they changed in both the drug smuggling and law enforcement worlds. Both worlds were constantly responding to the developments by the other side in the cat and mouse games, with the government too often playing catch up.

The Barker Family entered the smuggling business in the 1970s and transitioned from marijuana to cocaine and illegal aliens by the 1990s. They matured to meet the contraband smuggling demands and expanding national strategies and policies of the times. Through drug and illegal alien loads, broad conspiracies and multiple deaths, the smuggling group was active, successful and notorious at times.

This is an amazing account of old school Florida smuggling through the long thread of one little family and the far-reaching world they operated in for decades. It is a bit of a drug smuggling history lesson and a fascinating journey back in time.

An [abridged version](#) of this intriguing story was published in a 16 part series by Domestic Preparedness Journal (DomPrep) and its DomesticPreparedness.com website between February 12 and April 3, 2020 (all rights retained by the author). The considerably shorter online story focused on the Barker Family without the much more detailed historical background and content explaining the close interaction between the enhancement of national strategies and evolution of narcotic and alien smuggling in response.

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This story is South Florida. South Florida is often defined as the area located from the Florida Keys north up to Fort Pierce or so along the Atlantic Ocean. It includes the Monroe, Miami-Dade and Broward counties as well as the Treasure Coast counties of Palm Beach, Martin and Saint Lucie. In the early 1970s, it was a developing area of southeastern Florida with the many growing cities, ports, marinas, airports and businesses that that boomed with the exploding drug trade. South Florida was and is a place and culture of its own.

Before the days of the Cocaine Cowboys, Scarface and Miami Vice, there were the local old school drug smugglers in South Florida. They started by smuggled marijuana grown in Mexico, Jamaica and Colombia before the explosion of cocaine in the late 1970s and 1980s. The smugglers were fisherman, recreational boaters and stoners that established diverse contacts in the maritime environment in Florida, the Bahamas and around the Caribbean. At times, some of these successful maritime smugglers advanced into the air smuggling of larger drug loads directly from Colombia and Jamaica to cut out the middle man and increase their tidy profits and personal stashes.

Beyond the draw of the abundant drugs and money, the thrill of the chase and the cat and mouse games were often a big part of the attraction for the players. It was a game the smugglers often won.

The demand for marijuana was high and the odds of interdiction were low in the 1970s and early 1980s, at least until the beginning of the expanded federal war on drugs in South Florida and the Caribbean. They smoked pot so why not smuggle it too for some extra money and an endless supply. Contraband smuggling was profitable. Marijuana was their gateway drug for consumption and entry into the narcotic smuggling world.

With the close proximity to the Bahamas, other Caribbean islands and South American coastline, maritime and air smuggling flourished from the 1970s to 1990s following closely in the footsteps of their Prohibition era forerunners – the rum runners. Florida has always been popular for smuggling due to the state's over 1,300 miles of coastline, not to mention its numerous bays, inlets, rivers, islands, mangrove swamps and ports of entry. It provides an impressive amount of access and concealment points for nefarious operations and activities.

One of the best examples of the ease of large scale maritime drug smuggling in Florida in the early 1980s was found in the 10,000 islands near Everglades City and Chokolowskee Island in southwestern Florida. A complex organization of fishermen in a small town of approximately 500 residents was reportedly responsible for the importation of 75 tons of marijuana a week from Colombia. Using shrimp boats and other fishing vessels to meet mother ships far off the Florida coast, they were able to smuggle through the treacherous back country waters to the shoreline. The smuggling operation was disrupted in 1983 with the arrest of over two dozen smugglers; the subsequent investigation resulted in over 300 arrests in the area over the next seven years. After all of the smuggler and conspirator arrests, Everglades City became known as the town without men.

Operating in the smuggling environment and culture of the times, there was a little successful drug smuggling family in the South Florida area that transitioned from marijuana to other drugs and later illegal aliens. However, marijuana remained one of their primary products – at least for their many documented interdictions, arrests and prosecutions.

The small Barker Family had been associated with or involved in narcotic smuggling since the 1970s. The accusations stemmed from numerous confidential informants, investigations, arrests, prosecutions and media accounts. They resided in Florida and operated in its maritime environment with many other subjects, suspects and suspicious boat captains. In addition, the Barker Family worked with prolific air smugglers operating in Colombia and around the United States. Never seeming to learn or truly care, the arrest of Barker Family members and their wide-ranging associates did not reduce their continued criminal activities. After the many arrests, prosecutions and light sentences, recidivism was much more prevalent than deterrence or rehabilitation within this broad criminal network. They were masters at playing and beating the system.

The story of this one family provides an educational and enlightening description of the progression of drug smuggling in South Florida from the early 1970s to late 1990s. They were an active criminal enterprise for decades exploiting often inefficient and ineffective enforcement procedures, methods and laws. They were innovators in an emerging market, apparently having an exhilarating time along the way.

## **An Old Florida Family**

The Barker Family had been in Florida for well over a hundred years. This was particularly unique for an ever-growing state with such a transient population that continues until today. According to a newspaper article about the Barker Family during one of their higher profile criminal prosecutions, Hiram Augusta Barker reportedly drove 600 head of cattle from Kansas to Ocala, Florida in the late 1800s. After the cattle drive, he and wife Edith Louise Ferguson reportedly decided to move to Florida and raise a family of six children that included Orrin Charles Barker. Orrin Charles Barker, born in Kansas in 1881, married Edna Pasco Green in 1905 in Ocala and had four daughters and four sons to include Orrin Cecil Barker (Cecil Barker). Cecil Barker was born in 1914 in Ocala. He reportedly moved to West Palm Beach in 1925 with his family and there he later raised his own family.

Cecil Barker had a daughter and two sons with his wife Minnie Lee Blount. Ronald Cecil Barker (Ronald Barker) was born in 1939 and Richard Bennett Barker (Richard Barker) in 1951 as a surprise late addition to the family. Cecil Barker, also known as “Skeet”, later moved with his family to Daytona Beach and worked in central Florida for a time before returning to Palm Beach County to run the Town and Country Nursery.

A newspaper article in 1970 highlighted Ronald Baker’s horticultural experiments at Town and County Nursery on Military Trail in West Palm Beach. Ronald Barker experimented with a portable hothouse or pneumatic shelter to function as green houses.

## **Through the Lens of Public Records**

The Barker Family, defined as Cecil, Ronald and Richard for this story, had been Floridians for almost a century. Beyond media accounts, public records provide additional information and an expanded history for the Barker Family members over the years across the state of Florida.

Cecil Barker was living in Ocala, Marion County, Florida in 1920 according to census records. In 1930, he was living in West Palm Beach with the growing Barker family. Cecil Baker was reportedly an auto mechanic in West Palm Beach in 1931. The 1935 Florida state census documented Cecil Barker living with his family in Palm Beach County. Later in 1935, he married Minnie Lee Blount in Florida. In 1940, Cecil Barker was identified as a married lumber truck driver residing in West Palm Beach with two children and his mother-in-law. Fifty years



later in 1991, he was documented residing at the family residence on Amelia Street, West Palm Beach.

Ronald Barker was living in West Palm Beach in 1940 and 1945 according to census records. He married Cynthia Linda Sowell in 1963 in Palm Beach County. They later divorced in Volusia County in 1986. Ronald, also known as Bud, was documented residing at the family residence on Amelia Street in West Palm Beach.

According to public records, Richard Barker married Gale Rose Wilson in 1972 in Volusia County and divorced in 1983 in Palm Beach County. He lived in Crawfordville in 1990 in the panhandle of Florida just south of Tallahassee. His next documented stop was Fort Walton Beach in 1991 and near-by Shalimar in 1992 in Okaloosa County. Richard Barker's address would be on Ocean Inlet Drive in Boynton Beach, Florida in 1993 – an address that shall be very important later in this story. In 1994, his addresses would be a post office box and the family residence on Amelia Street in West Palm Beach. The public records for his public address end in 1994 in West Palm Beach; the reason why shall also be clearly explained later in this story.

### **Through The Lens of Criminal Histories**

The residency and travels of the Barker Family can also be documented through their individual State of Florida automated arrest records summarized below (arrests do not equal convictions unless noted). It is a way to establish the arrest history for the family members and it begins to paint a picture of their criminal activities and skills that extended well beyond Florida over decades. It is a brief snapshot to begin this much broader story.

Cecil Barker's first documented arrest in Florida was in 1964 for fraud by the Palm Beach Sheriff's Office (PBSO). It was followed in 1964 with a forgery arrest and 1965 with a probation violation. He was sentenced to 30 months in state prison in 1965 for the forgery charge. Cecil Barker was released from incarceration in 1966. He was arrested in 1981 for trafficking marijuana by the Sumter Sheriff's Office. In 1983, he was arrested for marijuana conspiracy charges and received just under a year in jail and ten years of probation. Cecil Barker was arrested in 1985 for contempt of court for failing to fulfill his sentence. He was arrested in 1992 and 1993 for probation violations. He was arrested in 1993 during the importation of 170 pounds of marijuana from the Bahamas with his son and five other people.

Ronald Barker's first documented arrests in Florida were in 1963 and 1964 by PBSO for fraud. In 1965, he was arrested by PBSO for probation violation. He was arrested again for fraud in 1970. Ronald Barker was arrested in 1978 for marijuana and fugitive charges by the St. Johns Sheriff's Office, which was associated with one of his federal marijuana smuggling cases. He was arrested in 1979 by the Orange Sheriff's Office for fugitive charges for another federal marijuana smuggling case to be transferred to Richmond, Virginia. Ronald Barker was arrested in 1982 by PBSO for trafficking in marijuana and received five years in state prison. He entered prison in 1983 and was released in 1985. Ronald Barker was arrested, with Cecil Barker, in 1993 during the importation of 170 pounds of marijuana via motor vessel.

Richard Barker was allegedly arrested in 1983 in Dade County as a fugitive for an out of state arrest warrant; the source of the arrest warrant was not identified in the record. His first documented arrest in Florida was in 1985 by the St. Lucie Sheriff's Office for failure to appear for a traffic violation. His next and last documented state arrest in Florida was by PBSO for the possession of cocaine in 1992 for which he received a year of probation. His actual criminal activities extended far beyond his documented state criminal history. Barker would be arrested several times for serious and diverse out-of-state and federal smuggling violations as detailed in this story. He would also reportedly spend some time in a Costa Rican jail along the way for alleged narcotic smuggling.

Ronald Barker, older than Richard by 12 years, was not as well-known as his younger brother by law enforcement and the media in South Florida. There was more media coverage of Richard Barker's youth and activities due to his higher profile arrests in the 1990s. This did not mean that Ronald Barker was not an accomplished and experienced drug smuggler. He was just on the radar in the 1970s outside of South Florida.

Richard Barker, who would later be the primary smuggling organizer of the family in the 1990s, graduated from John I. Leonard High School in Lake Worth in 1970. He later attended Palm Beach Community College and University of Florida where he allegedly entered into his first marijuana smuggling experience from Jamaica when he ran out of weed in college. The ease and profits of his first marijuana smuggling, of a pound or so, initiated a new profession.

Friends and close associates described Richard Barker as a good hearted and talented musician. He was reportedly offered a piano scholarship at the prestigious Juilliard School in New York which he turned down after experiencing a trip to 1970s New York City. Rather than pursuing a musical career in the early 1970s, Barker joined the family business which reportedly

involved fishing and shrimp trawlers. Apparently bored with the indoor office work side of the family business, he wanted to spend more time at sea. According to the media accounts, this is the same time that the Barker Family started appearing in law enforcement and court records in South Florida. This is when Richard Barker began maintaining residences in Palm Beach County and the Bahamas to better organize smuggling and other activities as well as expand his contacts.

The Barker Family and their associates were often observed socializing and planning smuggling ventures with other boat captains and airplane pilots at several bars and marinas in the Lantana and West Palm Beach areas of Palm Beach County. These bars were popular in the maritime environment and well-known as hangouts for fishermen and old school marijuana smugglers in the 1970s and 1980s. They were dark, hole-in-the-wall establishments with long tall wooden bars covered in layers of varnish and spilled drinks. You could just hear the various Jimmy Buffett songs about drinking, fishing, smuggling and pirates playing in the background when you entered these bars and saw their wide-ranging clientele. The Barker Family and the other patrons were good old boys often looking for business opportunities, just not all of them legal.

## **The Barkers and Law Enforcement**

The Barker Family and their associates were no strangers to local, state, federal and foreign law enforcement. They had been the subject of numerous investigations and intelligence reports – a rare few that resulted in interdictions, arrests and prosecutions. A dedicated group of local, state and federal law enforcement officers in South Florida in the 1990s were able to impact the Barker Family operations, especially the special agents and marine enforcement officers from the legacy United States Customs Service (USCS) office in West Palm Beach.

The USCS Resident Agent in Charge West Palm Beach office was located at 100 South Dixie Highway on the third floor of The Blackstone Building. The office, at the intersection of Clematis Street and South Dixie Highway, was in a modest office building at the time. It was before the renaissance of downtown West Palm Beach on Clematis Street, so it was not the best part of town. On several occasions, firearms and other items had been stolen out of government vehicles in the open air public parking lot across the street – the designated parking for the office.



USCS RAC WP Office  
Writer 1993

The office was staffed by a resident agent in charge, two group supervisors, five marine enforcement officers and 14 special agents. The office's marked and unmarked motor vessels were docked at different marinas around the county for quick response to the ocean inlets and concealment from smugglers. However, the good smugglers knew where the patrol and surveillance motor vessels were docked – people watched and talked.

Like any accomplished and savvy smuggling organization, different members of the Barker Family smuggling group allegedly functioned at times as sources of information for various law enforcement agencies in the 1980s and 1990s while conducting their own criminal activities. Suspects have been known to play both sides to possibly reduce their exposure to interdiction, disrupt their competition and develop possible legal defenses when they are caught committing crimes. This challenge required significant caution and coordination with many agencies and offices while maintaining operational security and officer safety. Unfortunately, there were also law enforcement officers also playing both sides.

For the continued safety of the confidential informants and sources of information associated with the many Barker Family investigations and cases, they shall not be identified and often merged into one general informant for this story. Even though they are all retired now, the

names of the USCS special agents and marine enforcement officers in this story shall be omitted to protect their previous operations and since they were really one cohesive team during these investigations and enforcement operations.

A review of the following cases, interdictions, arrests, prosecutions and stories would make one wonder how many smuggling ventures were successful and completely missed by law enforcement. It was likely very many, way too many. It has been estimated that law enforcement catches approximately ten percent of the illegal drugs entering the country. Sadly the number may be lower at times, especially with the Barker Family. Either way, the Barker Family and their diverse associates were likely involved in the smuggling of a significant amount of drugs and illegal aliens into the United States.

The many arrests and prosecutions may raise one to question about how the Barker Family and their industrious associates served so little time incarcerated for the amount of narcotics seized during these cases – especially with some of the long sentences initially issued at times. The answer was that timing, luck, flipping (cooperating with the government) and successful legal appeals appeared to be on their side. It also did not help that the much needed modernization and enhancement of state and federal laws were frequently years behind their repeated activities. But most of all, the Barker Family and their many direct and indirect associates were just good in this emerging and evolving drug smuggling world.

An examination of these events, incidents and stories provides a snapshot of the operations of the Barker Family and their many associates, along with a little Florida smuggling history. The Barker Family, along with one or two degrees of separation in their drug and alien smuggling world, tells quite an amazing tale. It is a brief history lesson that starts with 4,300 pounds of marijuana and 20 pounds of hashish flown in from Colombia. As busy and successful as the Barkers were, this was very likely not their first load. They were better and luckier than that.

## **1975 Colombian Air Load**

Vance C. Dyar, Clement J. DeMatto, Gary London Pagels, Neal Perks, Robert David Fleming and Mark M. Streeter were involved in a conspiracy to air smuggle marijuana from Colombia to the United States in 1975. After a false start with one aircraft, the group leased another aircraft in Jackson, Mississippi for one month for their marijuana smuggling venture. The 40 passenger Convair CV-240 aircraft was flown to Mobile, Alabama where many of the

seats were removed to reduce weight and increase its cargo carrying capacity. After refueling and trip preparations, Dyar, Perks and Fleming departed for Colombia via Haiti. When the aircraft experienced radio difficulties shortly after take-off, they landed in Orlando, Florida for repairs.

Several days later, the aircraft's radio was repaired. Fleming and Perks filed a false flight plan to the Bahamas then flew to Colombia to obtain the marijuana load. Upon their arrival in South America, they were met by Rick Barker (Richard Barker) who claimed to be in charge of the Colombian end of the operation. The next day as instructed by Barker, Fleming and Perks departed and flew to the Keystone Heights Municipal Airport in Starke, Florida. Shortly after landing with almost no fuel remaining, the two pilots left the fully loaded former commercial aircraft and jumped on an unrelated private flight to the Gainesville Municipal Airport and disappeared. Unidentified others were responsible for unloading the aircraft at the appropriate time, but were surely deterred by responding law enforcement.

After conducting a surveillance overnight to determine if anyone would return to the suspiciously parked Convair, law enforcement searched and found 4,300 pounds of marijuana and 20 pounds of hashish inside the aircraft. According to the local sheriff's office, the aircraft pilot had radioed the Gainesville Municipal Airport tower that he was having problems with his landing gear shortly before landing at Keystone Heights. The small municipal airport possessed two short dirt runways so the large twin engine aircraft drew some unwanted attention, to include the police. Law enforcement found maps and some personal belongings in the aircraft with the drugs which assisted in the identification of suspects.





### Convair Smuggling Aircraft

Tampa Tribune 08/26/75

Several days after the smuggling flight, Fleming was identified as the pilot and arrested for possession of a controlled substance. Fleming agreed to cooperate with the government in 1976 in exchange for immunity from prosecution. In 1977, seven defendants were indicted for conspiracy to import marijuana and conspiracy to possess marijuana to distribute in Jacksonville, Florida. The suspects were tried, convicted and given concurrent sentences for both counts. Barker apparently remained out of country at the time and evaded arrest.

Pagels, an attorney from Memphis, Tennessee, was tried for conspiracy to possess and import the 4,300 pounds of marijuana in a separate federal trial in Jacksonville. However, Pagels was unable to stand trial with the others due to injuries he received from an automobile accident. The smuggling aircraft had been leased by Memphis Productions, Ltd., for which Pagels was the company's attorney. Fleming testified in the trial that he met Pagels and three others in a Memphis hotel to plan the smuggling operation. According to Fleming, the group was trying to make a large profit to finance Memphis Productions so it could transport rock groups and hunting parties around the country on charter flights. The jury became hopelessly deadlocked resulting in the judge declaring a mistrial for Pagels.

Pagels was tried again for his involvement in the marijuana smuggling venture that resulted in yet another mistrial. However, after the second trial, Pagels pled guilty in 1978 to the

charge and was sentenced to six months in prison and suspended from practicing law in federal court. Pagels admitted to planning the smuggling load and receiving \$14,000 from it. He was disbarred in 1980 for his conviction in Florida for conspiracy to possess and import the marijuana along with a 1976 conviction for failing to file his income tax return. Pagels had previously fined \$5,000 and sentenced to 60 days in federal prison in 1974 for his failure to file federal tax returns between 1970 and 1972.

Dyar, Streeter and DeMatto appealed their convictions to the U.S. Court of Appeals for the Fifth Circuit. The appeals court affirmed the convictions for Dyar and Streeter and reversed the conviction for DeMatto due to legal technicalities in 1978 with an order to enter a judgment of acquittal. Dyar would be identified in at least one more Colombian marijuana smuggling seizure linked with the Barker Family in 1978.

### **1977 Colombian Air Load**

The next known smuggling caper with Barker Family involvement was again very substantial and provided an enlightening perspective of their skilled and active associates at the time. Ronald Barker was charged with conspiracy to smuggle approximately 7,000 pounds of marijuana into the United States from South America. The seizure and case occurred in Hanover, Virginia, quite a distance north of South Florida.

A Douglas DC-4 landed at the Hanover County Industrial Air Park in March 1977 transporting marijuana directly from Colombia. The arrival of the large four engine aircraft at such a small rural air park generated unwanted attention by the airport manager. Suspicious of the heavy aircraft landing on the short and thin runway and the actions of the pilots, the manager called the police. It sure looked like drug smuggling to him. About a week before the landing, the manager received a letter from the state police regarding suspicious and drug smuggling activities. Law enforcement responded to the airport and found two wooden crates with burlap bags of marijuana inside the suspicious aircraft. Police seized a nearby abandoned flatbed truck with California license plates parked next to a forklift.





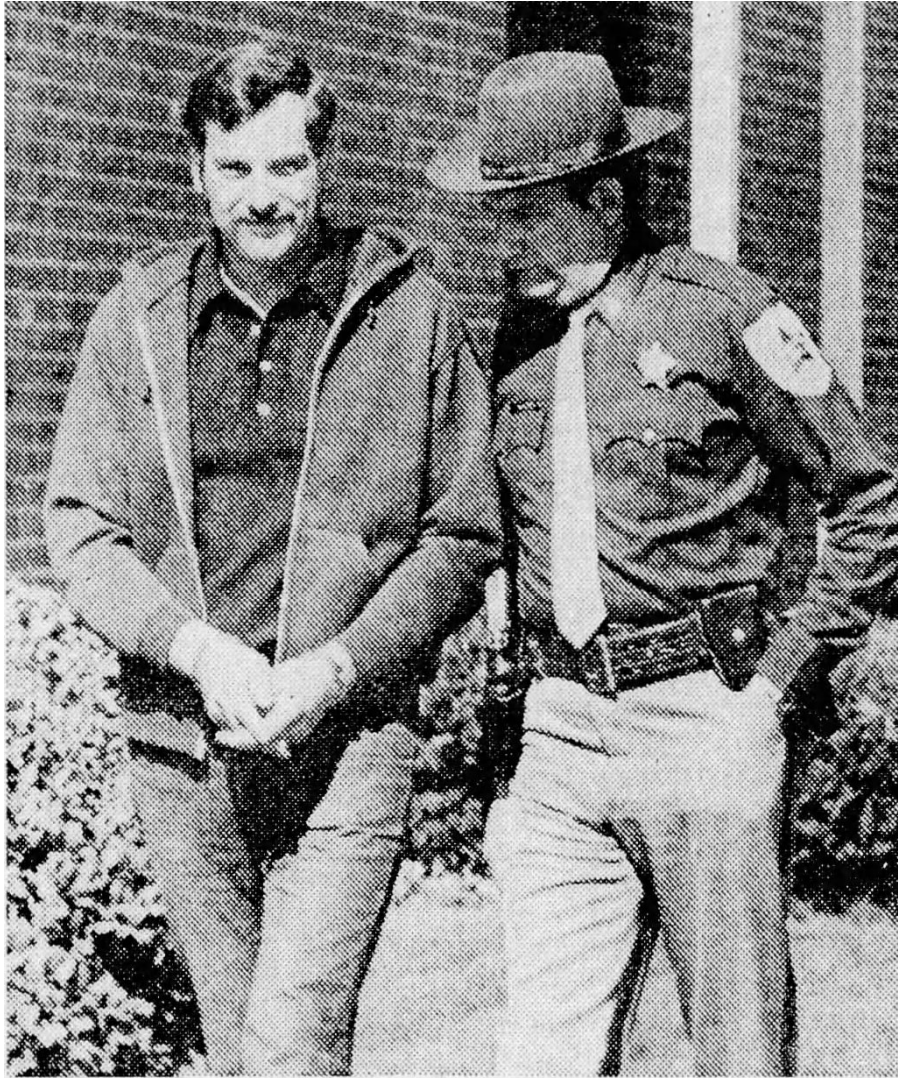
**Airplane Ran Off Runway at Hanover County Airport When It Landed Tuesday Night**

**DC-4 Smuggling Aircraft**

Richmond Times Dispatch 03/24/77

Robert Guy Eby, Franklin M. Phillips and Dutch Robbins were arrested at the airport. Ronald Barker, Richard Barker, James Earle Gammons and Edward Warren O'Brien Jr., were later indicted for their involvement in the pot smuggling venture. Ronald Barker was indicted after a witness in another 1977 trial implicated him in the drug load.





**Robert G. Eby After Court Hearing Yesterday  
He Apparently Was Pilot of Airplane**

**Eby Arrest**

Richmond Times Dispatch 03/26/77

Ronald Barker was arrested in January 1978 at his home in Elkton, Florida by the Florida Department of Criminal Law Enforcement (FDCLE) for the Virginia State Police. At the time of his arrest, Barker reported that he worked for St. Johns Wholesale Produce. He was held on a \$100,000 bond for the charges from the Commonwealth of Virginia. A hand written note in the case file declared that the warrant was recalled by Virginia in 1979 when Barker was arrested in Alabama.

FDCLE also arrested James Earle Gammons for the Virginia State Police. Gammons was also charged with conspiracy for the air smuggling venture. He was identified as a salesman during his arrest. Gammons released on bond in Florida pending extradition to Virginia for trial. The initial attempt at extradition for Ronald Barker and Gammons from Florida to Virginia was unsuccessful due to defective extradition documentation.

## **Putting the Pieces Together**

Witnesses placed O'Brien, who was from Arizona, in the Richmond area a few days before the marijuana smuggling venture. He rented a warehouse in an industrial park next to the airport which needed to be large enough for a truck and forklift. O'Brien was also present when the seized forklift was rented by another unidentified person. O'Brien also rented a second warehouse under a different name at another location. He was arrested when he returned to Richmond to attend his wife's funeral. However, O'Brien was acquitted of conspiracy and possession with intent to distribute marijuana during his trial. The circumstantial evidence was not sufficient for the judge.

Like so many others to come in this story, this was not O'Brien's first run in with the law or even home invasions. O'Brien was arrested on federal charges in 1972 for the unlawful possession of amphetamines and phenobarbital; he was sentenced to three years of probation. Two mask wearing gunman kicked in O'Brien's door in Arizona in 1975. O'Brien was reportedly ready for them with a pistol. When the gunman saw an armed O'Brien, they quickly departed the house. While chasing the gunmen escaping inside their pickup truck, O'Brien fired six shots at them. O'Brien told police that he became suspicious of the pickup truck as it slowly drove past his house. It was the second time that he saw the truck within a week pass his house. O'Brien was arrested on state charges for receiving stolen property and received two years of state probation in 1977 a few months before the Hanover load.

## **Pretrial Motions**

A two day pretrial motion hearing in 1977 attempted to suppress the evidence from the Hanover aircraft. The judge considered three defense motions including one that law enforcement illegally opened the wooden crates in the aircraft. Eby testified that he never consented to the search of the aircraft even though a shotgun was allegedly being held to his head. The prosecution testified that Eby consented to the search on four occasions and admitted

that marijuana was in the aircraft. Eby claimed that a Hanover County Sheriff's Office (HCSO) investigator (inspector) took Robbins, his wife and another woman for a meal after testimony at the federal grand jury. Eby insinuated that it was to influence Robbins.

While testifying for the prosecution at the hearing after his guilty plea, Robbins declared that a couple of police cars were expected to meet the aircraft when it landed with the marijuana to provide protection. The aircraft was to land before shift change at 8 p.m. The smuggling venture was reportedly delayed by one day when it could not make the landing deadline in Virginia. Robbins was so confident that he told the others to relax and not to run when sheriff's deputies approached the loaded DC-4 at the airport. The prosecution testified that there was no evidence of police corruption. The judge overruled the defense motions which included a challenge to the composition of the jury pool master list.

### **Try and Try Again**

Eby and Phillips were convicted at trial of possession of marijuana with intent to distribute for the marijuana load. However, their 1977 criminal convictions were later overturned by a federal appeals court and then United States Supreme Court due to the relatively small number of women in the master jury pool that did not provide a cross-section of the county population. The number was judged too small for a fair jury pool of their peers. By the time of the high court decision, Eby and Phillips had reportedly served 33 months of their 30 year sentences before their release from prison. The case was to be tried again with all of the defendants, including Barker. This was one of several interesting twists associated with this smuggled marijuana load.

Before their retrial, there was a 1979 legal filing in U.S. District Court citing new evidence for the release of Eby and Phillips. The testimony of a former HCSO deputy sheriff contradicted previous court testimony regarding the search of the smuggling aircraft. The former deputy reportedly heard Eby refuse consent to a search. Other law enforcement officers reportedly did hear of the permission to search. The court document alleged an intimate relationship between a Hanover sheriff inspector who was investigating the marijuana smuggling venture and the wife of Robbins. To make the story even more interesting, the former deputy was fired due to a 1977 conviction for marijuana possession. He received two months in jail. The former deputy claimed that the inspector provided the marijuana to him. There was an indication that it was from the smuggled load.



During a 1978 federal discrimination lawsuit, the former deputy testified that he went to an apartment to meet with the inspector. The inspector reportedly provided marijuana from a larger amount located in his car's glovebox. Robbin's wife was reportedly at the apartment at the time wearing a bathrobe. The federal judge handling the discrimination case was quite upset that HCSO did not conduct a more vigorous internal investigation into the former deputy's allegations, especially since it was rumored that law enforcement was reportedly planning to meet and protect the marijuana load. The internal affairs investigator reported that the woman at the apartment could not be found and was believed to be in Florida. If located, the investigator expected that the woman's testimony to be irrelevant since other witnesses could verify the inspector's location at the time. The marijuana was not analyzed to see if it matched the marijuana from the smuggled load. The sheriff advised the still very concerned judge that inspector had been cleared and the case was in the inactive file.

The federal judge ruled that the sheriff's office had discriminated against the former deputy and ordered \$6,357 in damages and legal fees. An independent special state prosecutor was later named to investigate the former deputy's claims. The special investigation by the Virginia State Police identified inappropriate conduct by some on and off-duty personnel, but insufficient evidence for any criminal charges. The report identified the poor day-to-day operations of the department and areas for improvement to include handling evidence and proper grievance procedures.

At their new trial in 1981, Eby and Phillips pled guilty to conspiracy to smuggle marijuana and possession with intent to distribute it. The two defendants hoped for a favorable pre-sentence report from the plea, which turned out to be a very shrewd gamble. In 1982, the circuit court judge imposed suspended 50 year sentences for Eby and Phillips. The judge did not think that additional incarceration would do any good. The two had now served all of their time behind bars, if they stayed out of trouble.

Ronald Barker attempted to have the charges dismissed due a speedy trial violation. Since his attorney was granted several requested continuances and the prosecution did not request any delays, the judge denied the motion. Barker entered a guilty plea to conspiracy to possess marijuana with intent to distribute; he received a five year suspended sentence on the condition that he served one year in the Hanover County jail. As seen later in this story, Ronald Barker was reportedly dealing with two other court cases and sentences during this time period. The concurrent serving of jail and prison sentences would definitely benefit him for these cases since his prison calendar was overbooked.

The seized DC-4 was flown to a Virginia National Guard facility pending forfeiture and auction by the sheriff's office. It was hampering operations at the small Hanover airport. The hope was to at least recoup the storage fees since the registered owner in California was non-existent. The aircraft was purchased from military surplus in 1975 and was resold two more times that year. It was bought in January 1977 by someone who reportedly owned Contemporary Air Leasing of Thousand Oaks. The Federal Aviation Administration could not identify or find the air leasing company. An inspection of the DC-4 revealed that an aviation VHF radio on the aircraft had been serviced in January 1977 in Marana, Arizona and two days later in Miami, Florida.



DC-4 Smuggling Aircraft  
Richmond Times Dispatch 10/09/78

Robbins, the co-pilot from West Palm Beach, pled guilty to the narcotic smuggling charges. During his plea hearing, Robbins declared to the court that Jim Gammons (James Earle Gammons) and Rick Barker (Richard Barker) were the two Florida men that hired him for \$40,000 to be the co-pilot. Rick Barker was reportedly not tried for his involvement in the conspiracy. Robbins again claimed that some local law enforcement officers were reportedly bribed to meet the aircraft if it arrived before a shift change. Robbins received a 15 year sentence in late 1977 with seven years suspended for the marijuana smuggling. With credit for the nine months already served, he would be eligible for parole in 15 months. He was released early in 1981 after serving a fraction of the already reduced sentence.

Like so many others connected with the Barker Family or their associates, Robbins did not walk away from the drug smuggling business after the generous sentence. He was arrested and convicted three years later in 1984 in Texas for importing 105 pounds of marijuana from Mexico. He was sentenced to four years in Texas state prison for that smuggling conviction. Because of the Texas conviction, a Virginia judge revoked the suspended seven year sentence for Robbins and ordered him to serve it in 1984 after his release from Texas prison.

### **Possibly Load Related Deaths**

Virginia law enforcement investigated a possible relationship between the 1977 Hanover marijuana smuggling venture and the murder of five persons two weeks later in Richmond, Virginia. All five victims, three men and two women, were shot in the head execution style on April 2, 1977. Police found firearms owned by the victims in the residence that had been rented by the three men about a month before the killings, but none of the firearms had been fired. The house had not been ransacked and the neighbors had not heard any shots.

Authorities speculated at the time that one of the five victims may have tipped-off police about the smuggling venture. When the aircraft unexpectedly landed at the Hanover Airport rather than another larger airport, the airport manager contacted law enforcement resulting in the seizure and confusion within the group. At least one of the victims was reportedly associated with the suspected buyers of the seized marijuana. The buyers were alleged to have organized crime connections. However, no definite link resulting in criminal charges was confirmed between the two incidents.

There was another death apparently linked to the Hanover Airport air smuggling venture. The state police investigated the death of a man killed three miles from the airport on nearby Interstate 95. The man, struck by an unrelated tractor trailer at 2:00 in the morning, was believed to be connected to the marijuana off-load at the time. The man was dragged 300 to 350 feet by the tractor trailer. The deceased white male was 20 to 25 years old wearing blue jean pants and jacket, brown shirt and socks, but without shoes. His pants were wet matching the path possibly taken from the airport to the highway.

An unidentified suspect, who was operating an off-loading forklift to a flatbed truck, had fled the scene just prior to the arrival of the police towards the interstate highway. The dead man was not identified by police, but was reportedly the same person who rented the forklift seized at

the airport off-loading location. The three arrested at the airport would not cooperate with law enforcement in the identification of the dead man.

### **A Talented and Busy Pilot**

Robert Guy Eby had been a U.S. Navy petty officer where he performed pre-flight and routine inspections of aircraft and assisted in launch and recovery operations. In 1969, he departed the Navy and enrolled in the Aerospace Technical Institute at the Cape Kennedy Regional Airport to learn more about airplanes. He apparently learned a lot. He and his wife, Bonnie Jean Williams, operated a business named Bonnie and Clyde International Air Service. However his wife, reportedly a model and former Playboy bunny, died in a drowning accident in Satellite Beach six weeks after they were married in 1969.

According to his attorney after an initial appearance in court for a marijuana smuggling venture, Eby was an engineer in Fort Lauderdale involved in the sales of water coolers, yachts and older aircraft. Eby was also reportedly involved in the design of high-speed motor vessels. One of the prototype motor vessels was reportedly designed for United States Coast Guard (USCG) to interdict drug smugglers. USCG apparently did not purchase the prototype due to the size.

Prior to the 1977 interdiction in Virginia, Eby was the pilot for a Douglas C-54 Skymaster transport aircraft that landed on Treat Mountain in Polk County, Georgia with marijuana and hashish in 1975. The large four engine aircraft was discovered near Cedartown on a rough and very short clandestine 1,000 foot airstrip cut into the dense forest. It was linked to at least 3,280 pounds of marijuana and 84 bricks of hashish. Later investigation discovered that the suspect aircraft departed Boca Raton, Florida on August 2, 1975 and was next seen on August 4 on the airstrip in Georgia after the short stop to load in Colombia. Eby was pending trial for this importation when arrested for the Virginia smuggling venture. This was his second known arrest for air smuggling marijuana.

The abandoned red, white and blue Skymaster was seized and later forfeited to the federal government as its new owner. The Polk County unimproved dirt airstrip was so short, the federal government attempted to find someone to buy and remove the forfeited Douglas aircraft possibly via a heavy lift helicopter or dismantle it on the mountain top for scrap. It was thought much too dangerous to attempt to fly it out. The federal government was obviously far more worried about specific aircraft capabilities and liability than was Eby on that late night.



According to the Federal Aviation Administration (FAA), a minimum of 3,500 feet would be required for the aircraft to lift-off and fly out of the thick woods; a 1,000 foot dirt airstrip was out of the question.



Polk County C-54 Skymaster

[www.facebook.com/story.php?story\\_fbid=5492241330822323&id=561163330596839&m\\_entstream\\_source=permalink](https://www.facebook.com/story.php?story_fbid=5492241330822323&id=561163330596839&m_entstream_source=permalink)

Seeing an opportunity, a Georgia state representative purchased the forfeited aircraft at government auction for \$20,000 and planned to film a movie that included its daring departure from the mountain top airstrip. The flamboyant legislator, who was a pilot himself, planned to sell tickets for people to watch the aircraft's departure from the heavily wooded area. He also purchased the land that contained the airstrip for use in his production and to ensure that he controlled the seized aircraft prior to his purchase of it. With a pilot out of Miami (of course), the C-54 consumed the entire 1,000 feet to achieve 80 knots and become airborne. The World War II era aircraft was flown to the Atlanta area for further inspection of its airworthiness for future flights. It was safe and ready for the movies.

Eby cooperated with the politician in the production of the movie documenting the landing of the now famous aircraft. The rather low budget movie, titled *In Hot Pursuit: the Polk County Pot Plane*, can be found on YouTube today. It is a true 1970s B movie as a cross between *The Dukes of Hazard* and *Smokey and the Bandit* – just not as high-quality as those classics.



In Hot Pursuit Movie

[www.thefilmcsa.com/inhotpu1wido.html](http://www.thefilmcsa.com/inhotpu1wido.html)

Eby was also arrested in 1976 in Clewiston, Florida after being linked to an aircraft carrying marijuana. Law enforcement received information that a suspicious Douglas DC-3 landed at Airglades Airport. Responding law enforcement located ten burlap bags of marijuana totaling approximately 287 pounds; nine bags were still on the aircraft and one in a nearby hangar. Eby, Jack Arlington Agnew, Dennis C. Gostomski and three others were arrested while fleeing the scene; the group had been monitoring local police frequencies and overheard the dispatch call go out. A van and a truck, believed to contain additional marijuana, successfully departed the airport prior to the arrival of law enforcement. This was Eby's third known arrest for air smuggling marijuana into the United States. Eby's previous arrests and continuation in drug smuggling was a reoccurring theme for him and many of his associates.

Gostomski was the manager of the hangar where the marijuana and aircraft were located by law enforcement. Gostomski had been arrested approximately a week before the Airglades Airport importation for the air smuggling of over 600 pounds of marijuana into a field 30 miles south of Clewiston. Due to its very rural setting with many farms and ranches with private airstrips, Hendry County was another popular area for smuggling in central South Florida. It was a short drive to both coasts and major highways to the north and south.

Agnew pleaded nolo contendere and was sentenced to five years in prison for the Clewiston marijuana smuggling venture. During his plea, he reserved the right to appeal a denied motion to suppress evidence and later did so in Florida state court. The appellant court reversed the conviction and sentence for Agnew and returned it to the lower court to determine if there were any other reasons to deny his motion to exclude evidence other than the one cited in the court record. He was permitted to withdraw his guilty plea. Within the same appeal, Gostomski's nolo contendere plea and two year sentence were affirmed since the marijuana was in plain view in his airport hangar.

This was not Agnew's first arrest. Agnew, a former assistant Broward County solicitor, had been indicted and arrested in 1972. The 22 person federal indictment involved 78 counts in a \$150 million mail fraud scheme involving bogus loans. Agnew was also indicted for mail fraud in Kansas and Illinois. Agnew pleaded guilty to two counts of mail fraud in Miami in return for a two year sentence concurrent with his charges in other states. In 1978, Agnew was the owner of the "Ridin High Ranch" in Fort Pierce where 12,600 pounds of marijuana were seized by police. Agnew and 7 other suspects were arrested for possession of marijuana, but the state case was later dropped due to an illegal telephone wiretapping and improper search of the property leading to the seizure and arrests.

### **More about the Skymaster**

As with so many parts of this story, the Polk County C-54 Skymaster possessed a very interesting past and future after the daring 1975 mountain smuggling venture. The aircraft was originally allocated to the United States Army Air Force (USAAF) during World War II with the construction number 27363. After construction in California in 1943, it was delivered to the United State Navy (USN) with registration number 90407. Along with other military missions, the aircraft participated in the Berlin airlift in 1949. It later functioned as a support aircraft for the Blue Angels for one year in 1956, but was never painted the Blue Angel colors. It was

known as Navy 8. After its naval service, it was sold for civilian use under the registration numbers N67038, N51848 and N1057R

A review of the registration history for the tail number N67038 from the 1975 seizure confirmed that the Skymaster was previously registered to USAAF and USN in 1945. In late 1974, the C-54 was registered to Le Roy York and sold a month later in early 1975 to Interair Leases. It was next registered to International Air Leases and Robert Eby on July 3, 1975 – a month before the smuggling venture. The aircraft was seized by the United States Marshals Service in September 1975 and sold to James I. West in November 1975. Westco Productions became the owner in 1976 for the movie production. The aircraft registration was transferred again in 1977, 1978 and 1983 to different owners.

The aircraft, known as a C-54E-15-DO, was last registered to Castle Air Force Base Museum in California as of 1988. The busy and mature aircraft was reportedly donated by the Drug Enforcement Administration (DEA) to the museum due to another apparent seizure by the federal government.



C-54 (90407) at Castle Air Museum

[blueangels.org](http://blueangels.org)

Law enforcement experienced the positive and negative results of selling seized and forfeited drug smuggling aircraft, boats and vehicles. The proceeds were significant and improved their operating budgets beyond appropriated funds. However, too many of the auctioned larger Douglas, Beechcraft and Lockheed aircraft would be seized again for drug smuggling around the country. It may have been wiser to destroy the seized older and larger

smuggling planes, but the supplementary budget funds were too attractive to ignore. They were as addictive as the drugs the aircraft carried.

## **Sounds like Eby**

A suspected marijuana smuggling DC-4 was discovered in Augusta, Georgia in early 1978. The aircraft made an emergency landing at Bush Field, now known as the Augusta Regional Airport. The pilot requested landing instructions from the airport tower and then reported engine trouble for an immediate landing. Upon landing, the crew of three attempted to arrange for repairs of the engine. However, the aircraft was left parked at a private maintenance facility, which was closed at the time. The crew disappeared on another aircraft before USCS special agents and police arrived to inspect the abandoned four-engine aircraft.

Upon inspection, USCS investigators located marijuana seed residue inside along with a vacuum cleaner in the very clean aircraft. The aircraft was also outfitted with two auxiliary fuel tanks capable of carrying 460 gallons of fuel each to extend its flight time and distance. The aircraft was registered to a person in Miami as of January 1977.

A statewide alert had been placed on the South Florida DC-4 aircraft the day before suspecting that it would be smuggling 10 tons of marijuana from Colombia to Georgia. According to law enforcement, the pilot was expected to be Robert Eby. The intelligence appeared to be good, but not good enough. No arrests were made.

## **Eby's Point of View**

In a 1979 interview from the Richmond City Jail, Eby stated that he was a member of Young Republicans and didn't smoke marijuana or drink alcohol. He was approached in 1972 by friends to smuggle 6 tons of marijuana into the United States for \$12,000. The marijuana was on a motor vessel that ran aground in the Bahamas. Eby flew the marijuana to the mid-west in his twin engine aircraft. He stated that he had so much fun the first time, he just kept doing it.

Eby recounted his exciting experiences being shot at by South American military police, chased by Cuban aircraft and shot at by other smugglers when he mistakenly attempted to land at the wrong Colombia airstrip. He enjoyed the thrill. Eby did not need to smoke his cargo; he got high from the adventure of smuggling it. He claimed to have made a million dollars charging \$10 a pound for the transportation, but spent it as fast as he made it. Eby claimed to have flown



more than 120 loads of marijuana from South America to the United States. He estimated a lower number in other interviews.

Even though he was serving a 15 year prison sentence for the 1977 Colombian load in Virginia, he was eligible for parole in 1980. To enhance his chances of early parole, he worked in the law library and taught math in the jail school. Eby could have earned additional credit if he identified his co-conspirators for which he reportedly refused to do.

He said that he wanted to write a book about his smuggling adventures and maybe a movie. Eby told the reporter that he really did not have any regrets except getting caught.

### **Treat Mountain Reminiscing**

On the 44<sup>th</sup> anniversary of the 1975 Polk County air smuggling arrests and seizure, one of the other defendants reminisced in a local newspaper interview about marijuana smuggling, pilot Eby and the amazing landing. Martin Bert Raulins described his personal experiences from smoking to smuggling marijuana. For his first smuggling venture, Raulins and a friend borrowed a sailboat from another smuggler who was a fugitive at the time to smuggle a load of marijuana. After a long and boring 45 day sailing trip from Colombia, Raulins decided there had to be a better and faster way. That is when he was introduced by a friend to Eby and started to plan.

Eby traveled to the enormous Marana aircraft graveyard and storage site near Tucson, Arizona and purchased the C-54 at an auction. After making it airworthy, Eby loaded the plane with gifts, including a dune buggy, and flew to a clandestine airstrip in Colombia. Eby picked up a load of marijuana destined for Georgia and Michigan buyers and flew it straight into Fort Lauderdale. The first air smuggling endeavor was successful, but the group was logically concerned about operating in such a busy public airport. There were too many curious eyes at the South Florida airport to include curious customs and law enforcement officials.

Raulins explained that the group chose to create their own short dirt airstrip on Treat Mountain for privacy and to deter any pursuing law enforcement aircraft from landing behind them. The dirt airstrip was so remote they could escape with the contraband before any responding law enforcement could arrive by ground, if they could even find them. Once the forest was cleared for a supposed pasture, Eby approved the airstrip. Eby instructed Raulins to install 1,000 feet of lights along each side of the rough runway and one light on the tallest tree on the approach end to be powered by a portable generator.

Eby and five others flew in the C-54 to Colombia to pick up the Polk County load. Raulins and four others remained at the airstrip to off-load the aircraft. The plan was to split the load into two for local and out-of-state buyers. The aircraft successfully landed and skidded to a stop on the muddy airstrip in the middle of the night. After the marijuana and hashish were unloaded, it was decided that the makeshift runway was just too muddy to permit the aircraft to successfully take-off. The marijuana and hashish were trucked away while the aircraft was abandoned on the mountain as a routine business expense, strangely with passports and other valuable evidence left inside it.

Eby and several of the other suspects departed the area with their portion of the drugs. As Raulins was driving away with his part of the marijuana load, he drove past a police car on the side of the road assisting a motorist. The police officer, suspicious of Raulins and the truck following closely behind him, radioed ahead for them to be stopped and checked. The police officer suspected that they were moonshiners. Law enforcement in a neighboring Haralson County was already busy investigating reports of a low flying aircraft that may have crashed in the woods. The two vehicles were stopped in Buchanan, Georgia right across from the police station. The drugs were found and the suspects were arrested with a final total of 16 suspects for overall prosecution.

As with what shall be so common in this story with associated smugglers with political ties or experience, one of the suspects was the son of a Fulton County Commissioner (Georgia). An arrest warrant was issued for William Derrick Farris. Farris was allegedly a member of the off-loading crew as documented by a generator rental receipt signed for my Farris. A tablet seized during the investigation detailed the smuggling venture in great detail to include names. The tablet was located in a suitcase, along with \$180,000, in a motel in Marietta, Georgia where eight of the suspects were arrested by police.

While preparing for trial, some members of the group reportedly continued smuggling drugs in smaller aircraft to evade attention and arrest. According to Raulins, learning their lessons some used the smaller aircraft for airdrops so they would be empty when they landed should they encounter any unwanted interest.

The suspects were prosecuted on both the federal and state levels for marijuana possession and smuggling. The defense attorneys challenged the legality of the traffic stop as well as several additional issues of evidence. Due to the legal challenges to probable cause and

the other evidence issues, both the federal and state prosecutors decided to drop their cases. They got away with it.

Like Eby, Raulins returned to drug smuggling after escaping prosecution for the Polk County load. He served a year in prison in 1984 for another marijuana load smuggled from Colombia to Texas. Raulins was involved in one more drug smuggling conspiracy from Colombia to Georgia that resulted in a four year federal sentence in 1987. Raulins was 70 and ill with cancer in 2019 when he decided to tell his story. The story would also be told by others, in of all places in front of the United States Congress.

### **Congressional Testimony**

A congressional hearing was held by the House of Representatives, Committee Merchant Marine and Fisheries, Subcommittee on Coast Guard and Navigation on July 26, 1978. The hearing was held to assess the drug smuggling threat and determine future funding priorities. Witness testimony furnished additional information on the Treat Mountain smuggling venture as well as many other drug smuggling ventures and methods of operation.

An undercover investigator (better described as a confidential informant) with the Georgia Bureau of Investigation (GBI) provided interesting testimony about the Treat Mountain marijuana load, other smuggling ventures and the drug smuggling world in general. The GBI undercover was a Navy veteran who worked in real estate development until his business went bankrupt in 1975. As an unemployed pilot and the owner of a Rockwell International Aero Commander aircraft, he was approached to smuggle narcotics into the United States. Rather than run the load, he reported the offer to GBI and thus began his new undercover career.

During his time working with GBI, the undercover traveled to Colombia, Peru, Mexico, Jamaica and Guatemala to identify suspects and coordinate interdictions and arrests. During his six months of activities from September 1975 to April 1976, the undercover claimed that he developed information that resulted in the seizure of \$520 million in contraband in the United States and six other countries. He was also reportedly involved in investigations involving 18 homicides.

According to the GBI undercover, two persons in an undercover capacity (likely confidential informants) were present at the landing of the marijuana smuggling aircraft flown by



Eby on the Polk County makeshift runway. The GBI undercover confirmed that only a portion of the load was seized by law enforcement and other aspects of that night.

Later in 1975, the GBI undercover met with Eby, Daniel Paul Cormier and Michael Floyd Kalmbach in Fort Lauderdale to discuss air and maritime drug smuggling. Kalmbach, whose fingerprints were identified in the Polk County aircraft, reportedly had three motor vessels and connections in Latin America for cocaine and marijuana. Cormier was identified as a marine smuggler with limited capabilities looking for partners. Both Kalmbach and Cormier would be later involved in additional narcotic smuggling ventures in the years to come confirming the accusations of the GBI undercover.

The three suspects discussed the financial and logistical aspects of smuggling marijuana from Colombia. A pilot could reportedly fly to a Colombia airbase and purchase marijuana for \$50 a pound. The aircraft would be reportedly loaded with the marijuana under the protection of Colombian soldiers. The smuggling organization would pay \$10 a pound up front 10 days before the smuggling flight. The remaining \$40 a pound would be paid after the load was sold in the United States; the aircraft smuggling the next load would deliver the remaining funds prior to receiving the next marijuana load. The Colombian source of supply would extend an 80 percent credit during the repeated drug smuggling ventures.

The suspects had reportedly acquired an impressive fleet of large multi-engine government surplus aircraft from the massive Marana aircraft storage site near Tucson, Arizona. According to the GBI undercover, the suspects claimed to have an 80-man shop restoring old aircraft for legitimate sale as a front to enlist into the drug smuggling world. They would refurbish aircraft and then transfer ownership to a corporation in the Cayman Islands for sale.

The GBI undercover would later allege that Michael Kalmbach was reportedly a relative of Herbert Warren Kalmbach, President Richard M. Nixon's personal attorney. The senior Kalmbach, an attorney and banker, would end up serving 191 days in prison for violating election laws and his involvement in the Watergate scandal.

Following the GBI undercover's testimony, a masked Robert Guy Eby testified during the congressional hearing. Eby was residing at the Richmond City Jail in Virginia at the time of the hearing. He was invited to testify about the modes and routes for narcotic smuggling. Eby testified that he was a marine engineer who designed motor vessels, but his drug smuggling experience primarily involved aircraft as a pilot. After the television crews moved to the back of

the hearing room, Eby removed his mask. Eby testified that after the USCG increased their maritime patrols and seizures in the Caribbean, he was approached in Fort Lauderdale to fly drug shipments. He began by flying drug loads from Colombia to the Bahamas, Haiti or Dominican Republic. From there, he transitioned to flying directly from Colombia to the United States and Canada.

Eby explained how USCG operated in the search for narcotic smugglers. Smugglers also utilized spotter aircraft and motor vessels to identify the location of USCG and other law enforcement assets. Both sides improved their technology over the years to locate each other. However, the smugglers were able to enhance their technology much faster though not having to wait for Congress to appropriate the funds and the long bureaucratic procurement process that follows. Eby believed that only the amateurs were caught since the professionals knew where the USCG motor vessels were located and when USCG aircraft took off from the air station in Opa Locka, Florida. The professionals also monitored the location and status of USCS aircraft as well as USCG and USCS motor vessels.

According to Eby, there were about 120 airstrips in Colombia with aircraft coming into and out of – they just about needed air traffic controllers for the heavy air traffic. There was no radio communication with the airstrip so its condition was not known until landing. Hopefully the pilot landed at the correct airstrip at the right time. Eby stated that the vast majority of sources of supply either sold marijuana or cocaine at that time, not both. Eby stated that he also flew cargo down to the airstrip at times, equipment that was needed for the airstrip operation or growing of marijuana.

Eby stated that he was very successful flying over Miami or Fort Lauderdale at 6,000 feet during daylight hours. At times, the more obvious he was the less attention he attracted during his smuggling flights. He stated that he also piggy-backed aircraft or assumed the flight plan of another aircraft entering from the Bahamas to successfully enter the United States. At other times, he would land in the Bahamas to off-load the drug shipment for transportation by another aircraft or motor vessel to the United States. Eby estimated that he air smuggled 36 loads of marijuana (less than the 120 previously estimated by him). Eby also transported orchids and pre-Colombian artifacts on many other non-drug flights. He stated that he was in the business for approximately eight years with only one conviction (he was a talented and busy pilot with several arrests). Eby stated that if he had the right sized forklift, he would have probably gotten away with that load too. When asked more questions about the drug load, he lightheartedly

asked if he had immunity issued by Congress. After some laughter, the specific questioning stopped there.

Eby stated he was usually paid about 24 hours after the delivery of the drugs or took a percentage of the load. A percentage of the shipment was often safer since recent distributors had a difficult time delivering the cash. The business was changing – he could not trust people anymore. Eby did not usually receive any front money from the numerous people that approached and hired him. The smuggling aircraft was either supplied by the smuggling organization or he would locate one for the load owners to procure. Eby stated that he moved from Florida to Tucson, Arizona to get away from the numerous people that were always approaching him to run a load. His telephone was ringing off the hook. Business was too good.

Eby claimed to have a contact within DEA who supplied him with official law enforcement information, investigative reports and wiretap intercept recordings. Eby stated that is how he knew the GBI undercover was working for the “wrong people” – he heard the wiretap recordings before they even met in Arizona.

Eby discussed public corruption in Colombia. He stated that the government often focused on the small peasant farmers for eradication and left the large operations alone that paid bribes. He testified that seized marijuana could be purchased from government officials – the military.

Eby stated that he knew Michael Kalmbach and was charged along with him for the same marijuana smuggling venture (Polk County smuggling venture).

Eby recommended various national policy decisions and strategies to interdict air and maritime drug smugglers, but then admitted the areas and problems were vast. He recommended the placement of radar and other resources at certain locations to improve interdiction capabilities. The prolific smuggler was an advocate of increasing foreign aid to the Bahamas to encourage their law enforcement capabilities and efforts – something that would happen in the 1980s. Eby also recommended growing marijuana in the United States to cease the international smuggling – another recommendation that was ahead of its time. Eby strongly advocated the continued use of undercover agents as the most successful method of interdicting drug smuggling ventures.

## **Evolving Strategies**

The United States was changing its interdiction strategies in the mid-1970s to address the increase in narcotic smuggling from Colombia through the Caribbean and Bahamas to the United States, specifically Florida. The primary source country was changing for marijuana.

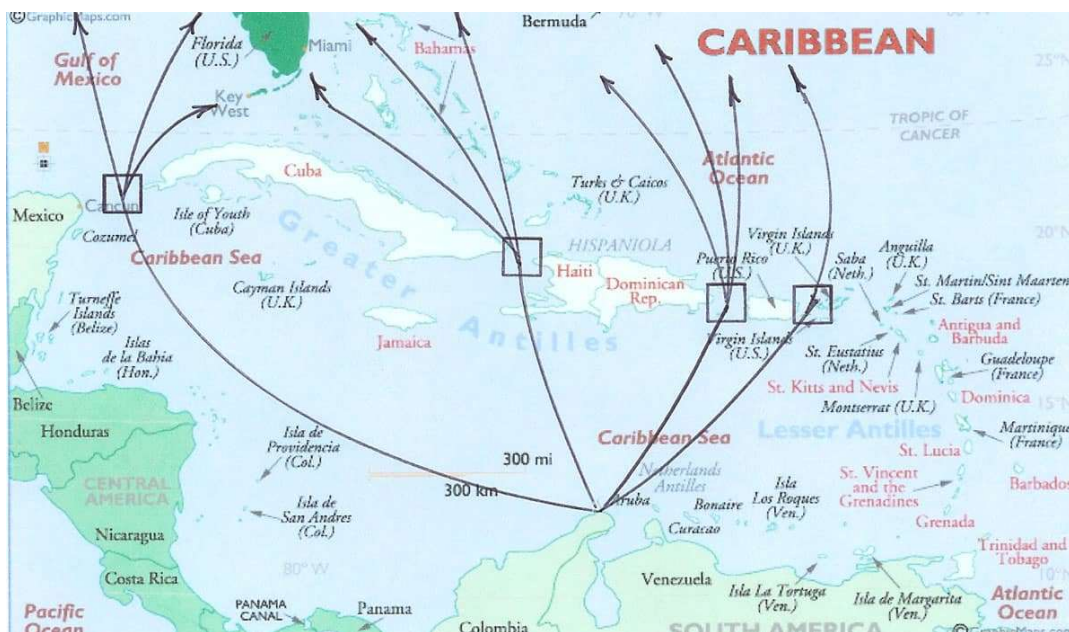
In 1975, Mexico began aerial drug crop eradication with herbicides. The program first utilized the herbicide 2-4-D on opium poppy fields and then expanded to marijuana eradication with the plant killer paraquat. The resourceful marijuana growers realized that the paraquat tainted marijuana could be sold if harvested before the leaves turned brown. This business plan worked well for the farmers, but not so much for the consumers of the poisoned weed. Heavy consumption of the contaminated marijuana could result in the serious lung disease as well as kidney and heart failure. According to the Centers for Disease Control and Prevention, people with large ingestions of paraquat were not likely to survive. It was estimated that Mexico produced 60 percent of the marijuana consumed in the United States in the early 1970s.

With the Mexican marijuana seen as possibly unsafe to smoke due to toxic paraquat exposure, Colombia growers happily filled the enormous void. The Colombian marijuana smuggling organizations started using the Prohibition era mother-ship concept to transport large drug quantities from Colombia to designated locations at sea off of the United States coast. The loaded freighters were met in international waters by fishing and go-fast motor vessels for the final smuggling leg into Florida. The smaller smuggling boats were faster and more able to blend into the local traffic. They could also often out-run or out-maneuver the pursuing motor vessels with their captains' knowledge of their home waters. With over 400 shrimp and lobster boats operating out of Key West and fishing the waters near Central and South America at the time, there were many possible smuggling motor vessels to keep an eye on in addition to the mother-ships. The square groupers (nickname for marijuana bales) were easier to obtain and provided a much higher return on investment than actual seafood.

In a response to the expanding maritime smuggling threat, USCG increased their interdiction operations. USCG expanded their law enforcement portfolio into drug smuggling during this time; it was a significant cultural swing for the agency from their life-saving and other established missions to narcotic interdiction and enforcement. People did not run from you or shoot at you when they were rescued from a sinking boat. Besides some internal organizational resistance to the new assignment, there were numerous operational and resources challenges for the agency to meet the massive threat. The USCG was not built for this expansive

mission at the time - neither were the domestic laws, international treaties and/or established practices.

USCG focused their limited resources on the four Caribbean passage ways available to travel north via motor vessel from Colombia to the United States. The water passages were choke points, but not easy ones to completely and continuously monitor. These maritime operations later evolved into the strategy called Operation Steel Web. USCG cutters and helicopters were deployed to the passages to identify, track and board suspicious motor vessels. Fixed wing USCG provided additional support to the marine resources to find the needles in the haystacks. Information and intelligence were shared with DEA, USCS and other federal partners.



Operation Steel Web

<https://cgaviationhistory.org/>

With the expansion of interdiction activities, smugglers naturally adapted to counter them. Off-loading and meeting locations were fluid depending on the presence of USCG and other governmental resources. The smuggling groups expanded the use of motor vessels and aircraft to monitor USCG motor vessels and aircraft. Marijuana once carried in open or observable areas were now concealed in compartments. Each side of the battle evolved against the other with the federal government developing several coordinated efforts.

The South Florida Task Force (SFTF) was created in 1982 to better coordinate the activities of all of the law enforcement and supporting agencies involved in new war on drugs. There was a significant amount of confusion, distrust and overlap among the numerous agencies operating in or playing through South Florida; some of the distrust was merited due to internal corruption. SFTF focused on drug interdictions and arresting smugglers and traffickers from single loads to organizations. Driven by the need and demand for action, the White House assigned the vice president to oversee the new task force. In the first four years between 1982 and 1986, the task force took credit for more than 15,000 arrests and has seized more than six million pounds of marijuana and 100,000 pounds of cocaine.

The Organized Crime Drug Enforcement Task Force (OCDETF) concept was also developed in 1982 to target high-level narcotic smuggling and money laundering. The new program was based on SFTF, but more focused on the leaders of large organizations that control narcotic importation and distribution networks. It was the centerpiece of the Department of Justice strategy to combat narcotic smuggling and transnational organized crime. OCDETF encouraged interagency and multi-agency coordination, cooperation and investigations with federal prosecutor support for each OCDETF approved case. OCDETF expanded over the years to include multi-agency coordination and investigation for all forms of transnational organized crime making it the largest anti-crime task force in the country.

The High Intensity Drug Trafficking Areas (HIDTA) concept was created by Congress in 1988 to provide assistance to federal, state, local and tribal law enforcement agencies in designated areas. The areas were significant centers of illegal drug importation, production, manufacturing or distribution causing a significant harmful impact. HIDTA was a grant program administered the Office of National Drug Control Policy. Like OCDETF, HIDTA was an important source of funding and encouraged interagency coordination. An investigation could be supported and funded by both OCDETF and HIDTA at the same time. Both were very important external funding sources for local, tribal, state and federal agencies to expand their budgets and resources. Both programs created lives of their own that continue until today.

## **Expanding Authorities**

The operational and legal difficulties for interdiction were compounded by international law regarding the inspection of foreign-flagged motor vessels in international waters. According to the 1958 Geneva Convention, permission was required by the foreign nation that registered the motor vessel prior to boarding and inspection on the high seas. It was a time consuming



process and tied up limited resources for hours or days without a Statement of No Objection from the country of registration. The captain or master of the suspect motor vessel could also provide consent for the boarding. A stateless motor vessel did not have this protection or require the authorization – no nation had a clear interest to deny or protest.

In the early 1980s, new laws provided expanded authorities to USCG and law enforcement to interdict drug smuggling outside the United States border. One of the federal laws, the Marijuana on the High Seas Act, apparently stemmed from several congressional hearings to include the 1978 testimony of Eby's with his valuable insight. The new federal law prohibited the possession of controlled substances with intent to distribute on the high seas on board any motor vessel subject to United States jurisdiction. The act was originally directed towards United States citizens, but case law included any person violating the law. The government was no longer required to prove a nexus with the United States to prosecute the drug smugglers located at sea. Interestingly, proof of intent to distribute anywhere in the world was sufficient for an arrest and conviction.

The United States military was permitted in 1981 to indirectly support law enforcement efforts without violating Posse Comitatus and other legal and policy restrictions. The Posse Comitatus Act was signed in 1878 to restrict the powers of the federal government to use the Army to enforce domestic laws; it was expanded over the years to officially and unofficially include the other military branches. The law did not affect the National Guard under state authority under Title 32 state authorities, but under Title 10 restrictions. The new military support included intelligence sharing, surveillance, training, equipment and other resources. The U.S. Navy was authorized to assist USCG with air and surface surveillance, towing or escort of seized motor vessels, logistical support and the placement of USCG personnel on naval vessels and aircraft. It was a true force multiplier in the battle. Nevertheless, it would require future modifications to address loopholes and case law.

While the agencies, departments and laws were evolving to the new and shifting narcotic smuggling methods and threats, the Barker Family and their associates continued right along with their successful operations ahead of the changes.

## **1978 Colombian Air Load**

At the same time as the congressional hearings involving Eby, Ronald Barker would be involved in another interdicted marijuana air smuggling venture approximately one year after the

Virginia seizure; he was still out on bail. According to an appeals court case, Barker was arrested in 1978 for the importation of 12,180 pounds of marijuana air smuggled from Colombia into Mississippi. Arrested with Barker were Billy W. Gray, Lee Andrew Fennell, Roger Lee Wright and Vance C. Dyar. Another 14 were alleged to be involved in the smuggling venture according to the government, but apparently not charged.



**Smuggling Aircraft**  
The Picayune Item 12/17/78

The defendants flew the six tons of marijuana on a DC-4 into Stennis Field in Mississippi early on the morning of July 24, 1978. DEA was waiting for them. The defendants loaded the marijuana on to a waiting tractor trailer. The truck and trailer were under constant law enforcement surveillance until it was stopped at a truck stop in Loxley, Alabama near Mobile. The truck, bearing Fennell's name on the door, was searched and seized by the agents and assisting officers. Fennell and Wright were arrested by DEA. Two suspects reportedly fled the arrest scene. Another group of DEA agents stopped the smuggling aircraft from departing the airport.





Load Take Down  
The Mobile Press 07/25/78

Two DEA confidential informants reportedly provided information for the investigation and interdiction of the marijuana load. The confidential informants possessed narcotic histories themselves with one being arrested for smuggling 8,000 pounds of marijuana into Georgia in 1978 and the other one with a 10 year resume as an informant. The two confidential informants allegedly suggested the smuggling scheme to the smugglers and aided in arranging the air transportation, but the smugglers organized and executed the smuggling venture. The smugglers provided the airplane, the money and the sources of supply in Colombia, and they made the arrangements for transportation of the marijuana from the airport.

Prior to their federal trial, Ronald Barker and Dyar withdrew their filed motions claiming entrapment; the three other defendant continued their claims. The two withdrawals were the result of the trial judge stating that the entrapment motions would have allowed the prosecutors to introduce the criminal histories of the defendants. The defense attorneys argued that two of the key prosecution witnesses were DEA confidential informants who were reportedly behind the

drug smuggling operation. One of the confidential informants possessed a dubious relationship with DEA, to include at least one marijuana load smuggled without DEA knowledge. The confidential informant beat the criminal charges for an unrelated case with an unauthorized 7,000 pound marijuana load due to his DEA relationship.

The defendants were tried for the smuggling violations in the U.S. District Court for the Southern District of Alabama. One of the trial witnesses was Ed (Edd) Conn, a Stennis Field airport official who was arrested for conspiracy to smuggle marijuana. Conn provided assistance to the smuggling conspiracy as well as another interdicted air load of four tons of marijuana in Thomasville, Georgia involving an aircraft owned by Conn. Conn reportedly became a DEA confidential informant.

During the trial, Conn testified that Barker, Dyar, Gray and Richard Brown met in a room at the Hyatt Regency Hotel in New Orleans to plan the marijuana smuggling venture. Conn testified that Dyar gave him \$5,000 in a brown paper bag, provided by Brown, to cover some of the expenses involving the smuggling aircraft.

Tom Brignac, a chief pilot for Taca International Airlines at the time, testified as a witness for the defense. He was reportedly paid \$13,800 to function as the pilot for a smuggling flight that he was not sure if he was part of a DEA operation; he was apparently not charged for his activities. Brignac flew the smuggling aircraft from Mississippi to an old military base in Colombia where armed men in green army fatigues met the aircraft. Brignac testified that Walter Anderson was the co-pilot and Richard Brown was the sole passenger. Brown handed a suitcase of cash over to one of the armed men before the aircraft was loaded with marijuana. The DC-4 was refueled with 2,800 gallons for the return flight to Mississippi.

### **A Missing Witness**

A business partner of Conn at the airport, named Melvin (Mel) Anderson, was also subpoenaed for the trial. However, he was reportedly missing and presumed dead from a plane crash in Colombia. The loaded aircraft may have been shot down by the Colombian government during take-off; conversely, it could have been a hydraulic failure causing the crash. Anderson was reportedly pressured to smuggle 20,000 pounds of marijuana for DEA via a four engine Lockheed Constellation aircraft for a controlled delivery in the United States. Government agents stated that Anderson, code name Reuben", was not forced to fly the aircraft and could have backed out of the smuggling venture. Government officials were apparently conducting

clandestine narcotic smuggling operations and controlled deliveries from the airport. Local law enforcement was kept out of the loop and not happy about it.

Anderson's wife initially did not believe that her husband was dead since his two co-pilots were reportedly unhurt and returned to the United States; conflicting information indicated that one of the returning pilots possessed burns to his body from the crash. She reportedly told friends that her husband was under extreme pressure from government agents to run a pot load from Colombia or be indicted for marijuana smuggling. She later received some additional information, but there remained speculation that he was functioning as a DEA confidential informant in South America.

Defense attorneys believed that Anderson would have testified that DEA and CIA employees and/or informants were involved in the Stennis marijuana smuggling venture(s). The government informed the defense counsel that Anderson was either dead or in a Colombian prison.

### **Guilty as Charged**

Barker, Gray, Fennell, Wright, and Dyar were convicted for the four charges of distribution and possession with intent to distribute marijuana; conspiracy to distribute and to possess with intent to distribute marijuana; importation of marijuana; and conspiracy to import marijuana. The nine women and three men jury deliberated just over two hours before returning the guilty verdicts. They received concurrent prison sentences ranging from three to six years in prison on all counts. Barker's six year sentence was later reduced to five years due to his prior criminal history. The judge ordered Dyar's six year sentence to run consecutively with his four year sentence for the 1976 marijuana smuggling conviction in Florida.

The defendants appealed their convictions in the United States Court of Appeals for the Fifth Circuit contending eight legal points. The eighth complaint or issue alleged that the prosecution prejudiced Ronald Barker in it closing arguments. During the trial, Richard Brown was identified as an alleged member of the conspiracy who avoided arrest. Brown was reportedly on the smuggling aircraft when it departed for Colombia, with a map and suitcase of cash to pay for a previous drug load. One witness momentarily referred to Richard Brown as Richard Barker. In his closing arguments, the prosecutor referred to Brown as Richard Barker several times and made one reference to "the Barkers." The attorney for Ronald Barker objected and the trial judge dispelled any prejudice by telling the jury that there was little evidence to

show that Brown used the name Richard Barker. The prosecutor was instructed by the judge to discontinue the reference.

The appellant court found no reversible error in the eighth complaint. However, the conspiracy convictions of Ronald Barker, Fennell, Wright, and Dyar were reversed by the court due to a legal error and returned to the lower court for review. All of the other convictions were affirmed by the court.

According to the Federal Bureau of Prisons (BOP) records, Ronald Barker was released from custody in 1984. The other defendants were also released in the early 1980s: Gray in 1983; Fennell and Wright in 1981 and Dyar in 1980. The seized marijuana was destroyed by burning in 1979 at Brookley Field in Mobile – it was going to be burned up one way or another.

### **Other Interesting Facts**

The federal trial itself resulted in several interesting allegations regarding the defendants and overall criminal case. The trial was postponed in November 1978 to determine whether the Central Intelligence Agency (CIA), as the defense claimed, was involved with the narcotic smuggling venture. The judge reportedly met a CIA representative in private before authorizing a postponement. Dyar, while pending federal sentencing and additional drug smuggling charges, was permitted by a judge to travel to El Salvador to search for documents regarding any improper CIA involvement. As a serious flight risk for his pending cases, this was an astonishing decision by the court. Without any supporting information found, the trial was able to proceed to the conclusion as discussed above.

As per newspaper reporting, there was a sixth defendant indicted for the 6 ton marijuana smuggling venture named Richard Brown, who was reportedly truly Richard Barker using an alias name. Brown/Barker was reportedly in a Costa Rican jail at the time of the federal prosecution, something confirmed by later interviews regarding the whereabouts of Richard Barker at that time. Supporting Brignac's testimony, it was Brown/Barker who allegedly provided a suitcase containing \$800,000 in cash to the ground crew in Colombia who loaded the marijuana on the DC-4 aircraft.

According to other newspaper reporting, authorities stated that Richard Barker was detained in a jail in San Jose, Costa Rica for cocaine smuggling. Barker was reportedly arrested in October 1978 when his aircraft was seized with 10 kilograms of cocaine. He was denied bond

at the time by the Costa Rican government, so any extradition to the United States was put on hold at the time. Law enforcement stated that Richard Barker had been under surveillance for at least a year and was a suspect in several other smuggling ventures.

At a rather young 26 years old, Richard Barker apparently continued to be the logistics man in Colombia for air smuggling loads when not in jail in Central America.

The federal government would later settle a \$35 million lawsuit in 1982 with Sharon Anderson against three DEA agents for the death of her husband. The lawsuit alleged that DEA agents, through harassment, intimidation, coercion and threats, forced Melvin Anderson to use Stennis Field as a landing location for the illegal importation of marijuana in 1978. The DEA allegedly forced him to participate in the fatal flight. The out-of-court settlement for over a million dollars was agreed upon right before trial in Colorado. The settlement also provided the information that co-pilot Anderson was killed when the aircraft crashed and burned on take-off to evade responding Colombian military officials. The pilot and another did escape the burning aircraft.

### **The Smuggler and the Politician**

Vance C. Dyar was previously convicted in 1977 for the smuggling 4,300 pounds of marijuana in Florida. He was sentenced to four years in prison, but was free on bail pending an appeal when arrested for the importation of the 12,000 pounds of marijuana in Mississippi. Dyar's appeal was later denied by the U.S. Supreme Court and he was to begin his federal sentence in early 1979.





Vance C. Dyar  
The Mobile Press 02/02/79

Interestingly, Dyar was conducting wide-ranging business dealings with Alabama State Treasurer Melba Till Allen while he was free pending appeal for his Florida marijuana case. Allen had actually appeared as a character witness for Dyar at his Florida narcotic smuggling trial. She thought he was a fine Christian man. After initially fighting a subpoena to produce financial records in a public corruption investigation, Dyar flipped and became a state's witness in an ethics trial against Allen.

Dyar was not a small player in the investigation of Allen. According to court records, Dyar actively transported checks/funds, coordinated loans and other financial actions to further Treasurer Allen's alleged criminal violations. He reportedly flew around Alabama and Florida delivering checks, promissory notes and other documents on the behalf of Allen. In one document signed by Allen, she stated that "Mr. Dyar will explain in detail the proposed plan of action I am seeking to develop. Any courtesies extended Mr. Dyar on my behalf, and any assistance you might render will be greatly appreciated." These were interesting assignments and associates in the banking world for an active marijuana smuggler.

Among several violations charged by prosecutors, Allen had deposited state tax funds in specific banks in exchange for loans directed to her and her business associates. Many of the

virtually collateral-free and failing loans were overdue and switched between the banks to avoid detection by federal bank examiners. According to the prosecutor during Allen's trial for the first of her five indictments, Allen was operating a "corporate house of horrors" in an effort to consolidate her indebtedness. Allen and corporations under her control had borrowed almost \$3 million through 130 loans from 58 state banks.

Allen was convicted and sentenced to three years in prison for conflict of interest charges in 1978. After her conviction, she refused to leave office citing an apparent conflict in the Alabama constitution for officials convicted of felonies. She was removed from office. After all of her appeals were exhausted, Allen reportedly spent only 30 days in jail and the rest of her sentence living and working as a bookkeeper at a retirement home in Alabama. It was another light sentence.

Allen was the first person convicted under the Alabama ethics law that she previously assisted in adopting in 1973. It was a small world.

### **The Boca Ludes Load**

In addition to his involvement in the Polk County air smuggling venture, Kalmbach was arrested in 1980 for his involvement in an air smuggling venture from Colombia to Boca Raton. It was said to be the largest drug seizure in Boca Raton history as of that time.

In 1980, law enforcement seized \$2.6 million worth of methaqualone (Quaaludes or ludes) and a Piper Aztec at the Boca Raton airport as a part of an on-going smuggling investigation. Gary Lee Kirkpatrick and Cecil E. Wroten flew the Piper aircraft from Colombia to Florida with 500,000 Quaaludes. What they did not know when they landed at the little airport was that 17 police detectives had been watching them for more than a week. The police were also listening to their telephone calls. Kalmbach, Gary Kirkpatrick, Russell Wayne Kirkpatrick, Kathleen Kirkpatrick, John Hosey Peeples, Cecil Wroten and Joel W. Jenison (also identified as Jennison) were charged for the narcotic smuggling conspiracy.

During his arraignment for the narcotic smuggling venture, Russell Kirkpatrick admitted to the judge that there was an active warrant for his arrest in Rhode Island; police in Warwick reportedly found over 11,000 pounds of marijuana in the basement of a six room house he owned in 1977 and rented to Eric T. Jenison; the 299 bales of marijuana were reportedly found while police were investigating a report of a prowler at the house. The marijuana was smuggled into

the Narragansett Bay on a rusty Jamaican motor vessel named “Dorchester”. The marijuana was likely transferred to a 55 foot cabin cruiser owned by Eric Jenison, named “Wildcat”, for the last leg of the smuggling venture. The police had been searching to find and arrest Russell Kirkpatrick since 1977.

The overall investigation started with a simple pot party at motel where records of transportation methods and drop locations were seized that led to the large seizure and identification of a drug smuggling organization from Pompano Beach, Florida. The motel records reportedly also identified properties owned by the organization members in Colombia.

Joel Jenison was also arrested in Rhode Island with the almost six tons of marijuana and several hundred thousand dollars in cash. The kingpins of the organization were identified by the chief of police as Floridians Tracey (Tracy) W. Boyd and Joel Jenison. According to the state indictment of 28 people, the smuggling organization utilized 20 trucks, six aircraft and four motor vessels to transport the drugs throughout the northeastern United States. The sizable organization reportedly operated in 48 states and three foreign countries.

Twenty suspects were arrested during initial raids in Rhode Island, to include six other subjects from South Florida along with Russell Kirkpatrick and Joel Jenison. Eric Jenison would be later indicted for his smuggling activities with his brother in the Ocean State – where they both grew up. Former Hallandale (Florida) Mayor John David Steele, who was in prison at the time for smuggling 22 tons of marijuana in 1976, was reportedly implicated in the smuggling conspiracy. Steele would be encountered in other marijuana smuggling conspiracies.

Wroten, a retired U.S. Air Force lieutenant colonel and pilot with a medal for bravery and five children, was sentenced to five years in prison for his involvement as the aircraft pilot; three of the years were suspended by the judge. He was reportedly a veteran gone awry. Wroten may not have been as naïve as argued in the Quaalude trial. Wroten was identified in another large drug smuggling prosecution for being involved in four smuggling flights in 1976. The other criminal case involved 29 defendants that utilized an attorney confidential informant who was a former prosecutor and county judge. Wroten was not indicted since he was already serving two years for the Boca Raton case. Court files linked Wroten to the CIA. A records check for a suspect DC-4 in Fort Lauderdale revealed that it was linked to Wroten at an address in Cambodia. He reportedly ran a CIA-financed airline in Cambodia during the Vietnam War era.

The reduced sentence for the methaqualone conviction was even more curious with other previous suspicious activities associated with Wroten. In 1977, Wroten contacted USCG to report that his Douglas DC-7 aircraft was in Greenville, South Carolina and not Great Inagua, Bahamas as it was rented for and according to a flight plan. The aircraft, large enough to carry 100 passengers, had been detained by USCS due to marijuana residue in the abandoned aircraft. The same DC-7 would be seized at a small airport in Georgia with 10 to 12 tons of marijuana and an altered tail number in 1978. The aircraft, newly sold by Wroten, may have experienced engine trouble and landed at 3:30 in morning on the short runway with the contraband. Those on the aircraft apparently stole a Cessna 172 parked at the airport, which was recovered at another airport 140 miles away near Atlanta.

Russell Kirkpatrick was sentenced to 24 months in prison and three years of probation. Gary Kirkpatrick pled no contest to conspiracy to traffic Quaaludes and cocaine and was sentenced to 30 months in prison and seven years of probation. Kathleen Kirkpatrick was sentenced to 36 months of probation for her involvement in the smuggling venture. The sentences for Gary Kirkpatrick and Kathleen Kirkpatrick were part of a plea bargain to testify against Joel Jenison in his trial.

Four smuggling group members did testify against Jenison in his state court trial. Jenison was identified as the organizer of the smuggling operation that was to import cocaine, marijuana and Quaaludes into the United States. The plan was to smuggle the drugs from Colombia to a ranch airstrip in central Florida. The pilots of the Piper Aztec landed at the wrong location in Colombia and were met by unknown and unfriendly drug suppliers. Gary Kirkpatrick and Wroten managed to purchase the Quaaludes from the unidentified suppliers, but only a limited amount of aircraft fuel for the return trip. With the aircraft fuel tanks only two-thirds full, they left a third person in Colombia who was on the southbound flight to reduce weight. No one knew what happened to the third person (possibly Kalmbach), who was to guide the aircraft to the ranch landing strip. With the limited fuel and no guide onboard, the pilots landed at the Boca Raton airport on fumes with the load rather than the ranch.

During his trial, Jenison's attorneys argued that Jenison was a DEA confidential informant and that the Boca Raton police fell into the drug smuggling operation. Due to his arrests in Rhode Island and Florida, Jenison reportedly became a DEA confidential informant. The prosecutor told the jury that Jenison was a double-dealing drug smuggler who worked with DEA while smuggling other loads on the side. The defense argued that Jenison neither intended to import Quaaludes into the country nor did he ever possess them. Jenison was convicted of

conspiracy to possess and import cocaine and sentenced to 15 years in prison - only one of four counts charged against him. During sentencing, two USCS special agents asked for Jenison to be given probation due to his assistance that yielded 13 indictments with another six pending. A well-known assistant united states attorney, who would end up being a Miami federal prosecutor for 46 years, even urged for a suspended sentence since Jenison had been a federal confidential informant since 1978. However, the judge chastised Jenison for running circles around federal agencies and making a joke out of the system of confidential informants.

The convictions were appealed by Gary Kirkpatrick, Russell Kirkpatrick, Wroten and Joel Jenison in the Fourth District Court of Appeal of Florida. The state appeal confirmed that the investigation involved search warrants and a wiretap intercept. The court reviewed numerous alleged errors and found three that required discussion – Gary Kirkpatrick for waiving fourth amendment rights and speedy trial and Joel Jenison for alleged status as a confidential informer. Jenison claimed that the narcotic load was to be cocaine, not methaqualone as smuggled into the United States. Jenison claimed that he was reportedly a DEA confidential informant for a cocaine load that did not occur. The prosecution and Jenison’s attorney made considerable reference of the informer exception to the jury. However, Jenison’s attorney objected to the judge’s jury instructions for the informer exception for the conspiracy count on two occasions during the trial. The judgments and sentences were affirmed, except for Jenison which was reversed and remanded for a new trial.

Joel Jenison would appear again in other large drug smuggling conspiracies along with other technical criminal conviction appeals.

Kalmbach was charged for the conspiracy to import and possess cocaine and marijuana. Even though he allegedly navigated the smuggling flight south to Colombia, the charges were later dropped against Kalmbach. Apparently the charges were dismissed when witnesses provided an alibi for Kalmbach for the night the aircraft landed in Boca Raton.

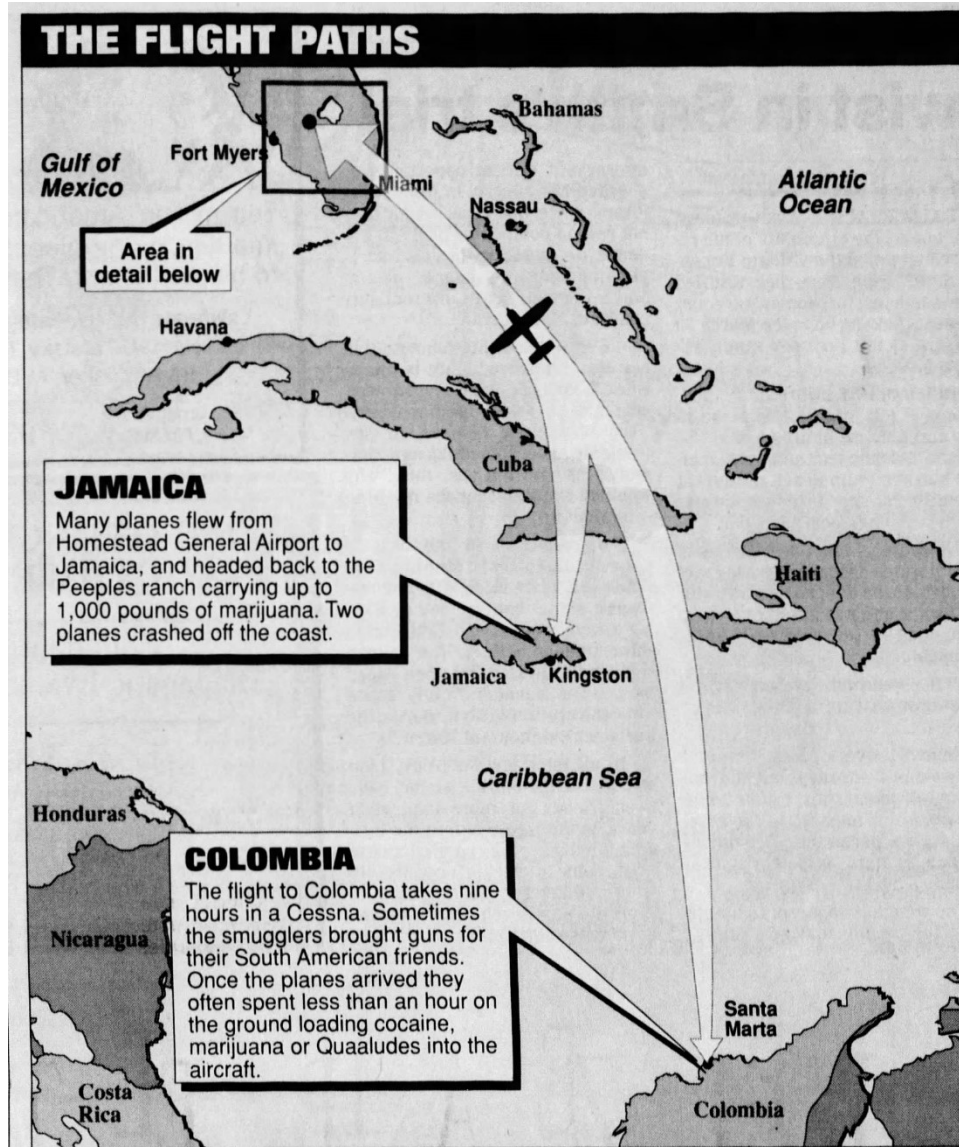
### **Connected (and Protected)**

It turned out that John Peeples was related to two powerful Florida state representatives from Glades County, so powerful that they could move state highways and county lines to personally benefit them. Peeples’ father was Joseph Henry Peeples Jr., who served in the Florida House of Representatives for 22 years and later as a Glades County commissioner; Peeples Jr., was never officially sworn into the county position and resigned two years later rather than



adhere to financial disclosure laws for public officials. His father Joseph Henry Peeples Sr., served for 14 years in the Florida house. While others received prison sentences, Peeples received 15 days in jail and two years of probation for his involvement in the Boca Raton methaqualone smuggling conspiracy. Peeples also agreed to testify against Joel Jenison.

The drug smuggling activities within the Peeples' family in Glades County reportedly began with former politician Peeples Jr., who passed the tradition on to his sons John and Joseph Peeples III. The Peeples brothers reportedly participated in over two dozen drug smuggling operations in the 1980s that brought \$15 million worth of drugs into the Peeples' ranch. From 1979 and 1990, the Peeples provided facilities and assistance to various smuggling groups to air smuggle cocaine, marijuana and methaqualone into the United States. Their airstrip services included landing lights, air-to-ground radio communications, off-loading, transportation and security. Ranch residents John Peeples, Peeples III and Patricia Helen Peeples were convicted for state RICO charges. The ranch was so busy and tainted, the federal government indicted the ranch property for seizure and forfeiture; half of the 5,200 acre ranch was surrendered to the government in 1990 by the widow of Peeples Jr.



Flight Path to Peoples Ranch

Fort Myers News 10/27/91

Former representative Peoples Jr., was also reportedly involved in the Boca Raton methaqualone smuggling venture along with Gary Kirkpatrick, Russell Kirkpatrick, Joel Jenison and son John Peoples. Gary Kirkpatrick and Jenison were looking for a landing strip and purportedly made a deal with Peoples Jr. The first three drug smuggling ventures supposedly failed with a fourth flight that still had issues due to restricted fuel obtained at the Colombian landing site. The fourth flight, with the 500,000 Quaaludes, was apparently forced to land in Boca Raton due to the limited fuel. Gary Kirkpatrick reportedly called the wife of John Peoples

from a wiretap recorded line, to report that they would not be landing at the ranch for the planned off-loading. John Peeples was not the only family member implicated in the drug smuggling operation, but he was the only one charged followed by a generous outcome in court.

Peeples III was indicted with a former Homestead police officer Stanford Champion and another smuggler in Miami in 1984 for narcotic smuggling to include the following conspiracy. Champion made a deal with a pilot to smuggle drugs to the Peeples' ranch and introduced the pilot to Peeples III. What neither smuggler knew was that the pilot was an undercover DEA special agent. Champion received a 13 year prison sentence his various smuggling activities, but the charges were later dismissed against Peeples III.

Champion, the former five year police officer, was not meant to be in the drug smuggling business. Between 1980 and 1983, Champion was involved in 11 unsuccessful marijuana smuggling flights and 9 successful ones. Many of the failed flights involved aircraft crashes into the ocean and fields along with seizures by law enforcement. Even the successful smuggling ventures included aircraft crashes, arrests and seizures. Three of the successful loads involved Peeples' ranch. Champion was convicted of 22 of the 35 federal counts against him during a four year marijuana importation conspiracy from Jamaica to South Florida. His lengthy conviction appeal was unsuccessful, but an amusing read as a comedy of errors.

Peeples Jr., was arrested in 1980 for resisting arrest with violence for which he pled guilty and received a two year probation. In 1982, he was arrested for carrying a concealed handgun, driving while intoxicated and resisting arrest without violence. The state dropped the charges after the judge ruled the traffic stop was illegal for the former politician.

Elected officials and those with political connections would continue to emerge throughout this story. There appeared to be a symbiotic relationship at times between more than a few current and former politicians and drug smugglers. These relationships appeared to greatly benefit the connected relatives.

### **Not as Connected or Lucky**

Daniel Paul Cormier was not as fortunate or politically connected as his previous co-conspirator Kalmbach with his involvement with drug smuggling and foreign law enforcement. Cormier's criminal experience was so bad, a newspaper article about his drug smuggling life

started by harshly calling him a real loser. He reportedly failed four separate times to smuggle marijuana from Jamaica to Florida within a four year period.

In 1973, Cormier was arrested with four others, including his wife, in Great Inagua, Bahamas while smuggling 1,200 pounds of marijuana from Jamaica on a rented 41 foot sloop. Cormier was given the choice to pay a 5,000 dollar fine or 21 months in jail – unsurprisingly, he paid the fine. A subsequent civil suit against him by the sailboat owner only compounded his problems from the ill-fated smuggling venture.

Cormier chartered another sailboat in 1974 with his new second wife and sailed to Jamaica in search of marijuana. When the sailboat's owner found out about Cormier's plans, he flew to Jamaica and did his best to disrupt the smuggling venture. With all of the unwanted attention, Cormier gave up and returned to Florida empty handed. Shortly after returning, he and his second wife apparently split up. Owing the second wife \$2,000 in alimony, he attempted an unsuccessful fraudulent sale of a boat and yacht club that he apparently did not own. A warrant was issued for him for his failure to pay alimony. Things were not going well.

In 1976, Cormier and another man, who was taking care of a sailboat while the owner was out of town, decided to make a smuggling run to Jamaica. USCS special agents reportedly were aware of the plans and tracked them as they sailed to Jamaica. After arrival, Jamaican officials arrested Cormier for a couple marijuana joints before he could acquire a larger load. He spent three days in jail, paid a 150 dollar fine and then sailed back to Florida in the borrowed sailboat without a load.

Several months later in 1976, Cormier successfully smuggled 181 pounds of marijuana from Jamaica on the 35 foot motor vessel "Andiance". He docked the boat at a private dock in Fort Lauderdale and returned to his residence a little over a mile away. When he got home, he was met by Dennis Muril Mongan, from Virginia, who accused Cormier of stealing \$15,000 from a previous unsuccessful marijuana smuggling venture. Mongan wanted his money and claimed that someone was planning to kill Cormier. Cormier claimed that he only took a small amount of the money in question. Cormier reportedly attempted to deescalate the situation when both men drew .38 caliber pistols and shot at each other across the living room. Cormier was fatally shot in the forehead and shoulder. Mongan was hit four times in the abdomen and leg. The marijuana and boat were seized by USCS and USCG.

Two months later after recovering from the gunshot wounds, Mongan was arraigned for a second degree murder charge sitting in a wheel chair. He claimed he killed Cormier in self-defense. Mongan was released on a \$5,000 bond. The criminal charges were reportedly dropped against Mongan when Cormier's girlfriend, the only witness to the shooting, refused to testify and fled the state.

This would not be the last time that Mongan would be associated with a violent interaction involving owed money. A year later in 1977, a man was stabbed several times in the early morning hours in his Oklahoma driveway. According to a telephone wiretap intercept in Virginia during a narcotics investigation, three men conspired to conduct the attack to collect a debt. One of the men in the conspiracy and the target of the wiretap was Mongan. A voice identified as Mongan stated that if the person did not pay up, they were going to take the man's wife and kids out too. Four months later the victim started receiving additional threats if he did not pay the debt. Law enforcement surveilled the victim while making a \$75,000 money drop into a hotel dumpster as instructed that was then retrieved by one of the suspects. Mongan would reportedly die of a heart attack in 1977 before a trial for this conspiracy.

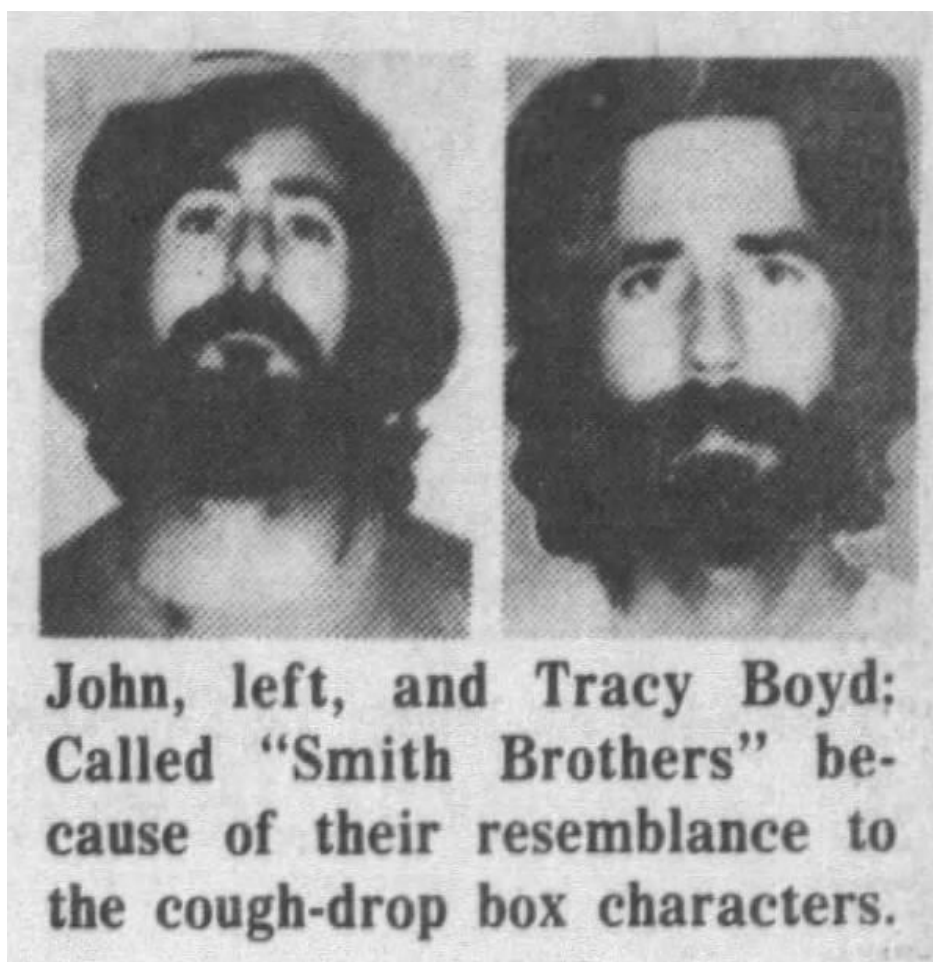
Cormier was a very small player in an extremely large collection of marijuana smugglers in the 1970s in the maritime environment. There were many other players in and around Florida.

## **The Smith Brothers**

As with so many others in this story, the previous Rhode Island marijuana caper was not Tracy Boyd's first involvement in drug smuggling and trafficking – especially in Florida. Boyd was previously arrested in 1976 near Moore Haven when he allegedly attempted to air smuggle 700 pounds of marijuana from Colombia. He was also allegedly arrested in 1976 near Naples for marijuana smuggling.

The title kingpin may have been overused by law enforcement, but Tracy Boyd and his brother, John Darrell Boyd, may have earned consideration of the title. The pair, known as the Smith Brothers, was arrested in Miami in 1977 for conspiracy to import 25 tons of marijuana. The brothers were charged with three other South Florida men – John Ronald Monaco, Eugene Herbert Latrell and Eugene Otis Hicks. Tracy Boyd, who was free on bond from the Rhode Island arrest, was released on a \$25,000 bond along with his brother. John Darrell Boyd was found guilty along with two others for the 25 ton smuggling conspiracy. Tracy Boyd and other defendant were found not guilty.





The Smith Brothers

Fort Lauderdale News 04/20/83

Monaco was accused of plotting to murder a DEA special agent and confidential informant. During his arrest for the larger drug conspiracy, he was pending trial for the third time for the murder conspiracy. Monaco was also charged with ordering the murder of DEA confidential informant in 1975 while they were discussing a drug deal. The confidential informant's body was found lying on a railroad track in rural Dade County. The shooter of the DEA informant confessed to the killing and that it was ordered by Monaco along with the ordered hit on the DEA special agent. The shooter was convicted for the murder and was sentenced to life in prison.

Monaco would stand trial twice for the murder conspiracy of the confidential informant. Besides the murder of the informant and threat to kill a DEA special agent, Monaco reportedly plotted to poison a possible witness who was prisoner at the time in the Dade County jail. Ronald Marc Beline was a key defense witness in Monaco's trial for the conspiracy to murder the DEA informant. Both trials of Monaco of the murder ended in a mistrial with the assistance of Beline. Monaco was scheduled to be tried a third time.

In 1978, the Boyds turned themselves into the state attorney's office in Naples for multiple drug charges in Collier and Glades counties. Both brothers were charged with the possession and smuggling of six tons of marijuana into Collier County in 1976 via a DC-3 aircraft. Five other men were arrested for the marijuana smuggling venture; two of the men were granted immunity to testify against the Boyds who allegedly financed the drug load. Days before the 1978 arrest, John Darrell Boyd was convicted in Miami for a 1975 marijuana smuggling venture. Tracy Boyd was acquitted in the same trial.

The brothers were also pending trial in Glades County for another marijuana air smuggling load in 1976. A twin engine aircraft landed in Glades County with approximately 800 pounds of marijuana and 12 pounds of cocaine. The Boyds were accused of obtaining the marijuana in Colombia and financing the smuggling venture. Tracy Boyd was on the smuggling aircraft while reportedly John Darrell Boyd remained in Colombia. According to subsequent charges against John Darrell Boyd, he conspired to kill three witnesses in the Glades County case. The trial was moved to Naples with heavy security due to threats against the witnesses. John Darrell Boyd was found guilty during the trial and Tracy Boyd pled guilty in the case.

The Boyds became known as The Smith Brothers due to the heavy and thick beards that reminded law enforcement of the Smith Bros. cough drops. They were known for their alligator shoes, expensive jewelry and Cadillac cars. The prolific smugglers claimed to own and operate a fire protection sprinkler company in Pembroke Park as well as several other businesses. The Smith Brothers stood out among the other smugglers due to their flamboyance; they reportedly donated \$10,000 to a charity in person from "the blockade runners" and the Smith Brothers.

According to law enforcement sources, the Boyd Brothers reportedly got their start in the marijuana business as an off-loading crew for Harold Derber and former Hallandale Mayor John David Steele. Derber and Steele were arrested in 1974 for the smuggling of one and a half tons of marijuana in Key Largo. Derber, a former officer of Her Majesty's Royal Navy, was killed in 1976 by two shooters when he stepped out of his Miami condominium. Derber was murdered

one day before he was to testify before the U.S. Securities and Exchange Commission regarding the laundering of narcotic proceeds and hundreds of thousands of dollars he invested in stocks. Upon his death, the brothers reportedly connected with Derber's source of supply with a 7,000 foot airstrip outside of Barranquilla, Colombia.

An indictment of the Boyd Brothers in 1978 included Joel Jenison for the importation of tons of marijuana from Jamaica and Colombia. Jenison reportedly caused turmoil in the Miami federal courthouse when he pursued a challenge to the grand jury selection system; he made allegations that the process was racist and sexist, but the allegations were found groundless. Jenison pled guilty to one count of possession with intent to distribute marijuana. Jenison was more successful in 1979 in a Rhode Island case against him. He argued that the manner in which statewide grand juries were chosen was unconstitutional since they did not represent a cross-section of society – college students and professors were exempt. The Rhode Island Supreme Court agreed and the charges against him were dismissed for two indictments in 1977. He continued to be very successful with his appeals in state courts.

The Boyd Brothers were again indicted in early 1980 in federal court on multiple drug charges to include engaging in a continuing criminal enterprise. John Darrell Boyd was in the Miami Federal Correctional Institute due to his inability to post bond on other federal and state charges at the time. He was lucky in at least one area, an appellate court had recently reversed two of his previous smuggling convictions. However, John Darrell Boyd apparently later did make bail. According to a 1982 newspaper article, John Darrell Boyd had not been seen by authorities since late 1980. Tracy Boyd disappeared in early 1980 around the time of the latest indictment. They both skipped out on 500,000 bonds and were thought to be in South America at the time. Tracy Boyd was out on a bond for a pending five year prison sentence when he fled.

Friends reported John Darrell Boyd missing in late 1980 in Collier County; police located a station wagon that Boyd had been driving with bullet holes and blood stains. He was in the wind. Later in 1983, a man in Buffalo, New York received a telephone call that his child was sick at school and needed to come home. As the businessman and popular Little League coach was travelling to the school to retrieve his ill child, he was surrounded and arrested by federal marshals and police officers. The concerned father was actually fugitive John Darrell Boyd. The call was a ruse to lure Boyd, also known as Robert L. Burke, out of the house occupied by a woman and several children in the stylish suburb of Orchard Park. Law enforcement had refused to believe the faked death attempt and continued the manhunt for the three years.

Seven weeks later in 1983 acting on a tip, U.S. Marshals Service located and arrested Tracy Boyd at a house in North Miami Beach. A fugitive since 1978 when he jumped 500,000 dollar cash bail, he was living with his wife and two small children in a three bedroom suburban home. He was hiding in plain sight in South Florida. The Smith Brothers were reunited in federal detention in Miami, both still sporting their trademark beards.

Tracy Boyd pled guilty to marijuana smuggling charges through a sealed plea agreement to cooperate with the government. With all of the smuggled drugs and time as fugitives, Tracy and John Darrell Boyd were sentenced to only four years in prison.

One of the Smith Brothers carried on over the years. John Darrell Boyd was allegedly charged with 327 counts for \$420,000 Medicaid fraud in 2002 along with a Miami pharmacy owner. He reportedly served more than three years in state prison for the healthcare fraud. He was released in 2011 and on probation until 2021.

John Darrell Boyd's son Jason Boyd was arrested in 2013 for running a pill mill pain clinic in Fort Lauderdale for the distribution of oxycodone. According to a news article, Jason Boyd operated a pain clinic and Darrell Boyd sometimes stopped by to pick up money from it. At his arraignment, Jason Boyd was identified as a flight risk due to his previous drug and credit card fraud convictions. Jason Boyd was sentenced to seven years in prison in 2014 with his unchanged father and uncle watching in the courtroom.

John Darrell Boyd expanded beyond narcotic smuggling with newer and more modern criminal activities with marijuana was his entry drug.

## **The Hits Kept Coming**

Hicks, while on bond for the Smith Brother's charges, was arrested with previous defense witness Beline in 1978 for smuggling 17,500 pounds of marijuana on a 57 foot yacht. The two smugglers were arrested after entering the Port Everglades inlet with 350 bales and boxes of marijuana on the motor vessel "Princess Charlotte". The boat was so overloaded, it was taking on water through its engine exhaust vents and caught the eyes of USCS and police.

Hicks' life was dangerous, especially involving home invasions. In 1977, two men broke into his home and demanded money from Hicks and his associate Kenneth P. Matus – a convicted drug smuggler and federal government witness. Hicks and Matus were ordered to the

floor while the gunmen ransacked the house. Instead of money, they found two of Hicks' revolvers. They fired two shots into the floor to intimidate them to give up the money. That not working, Matus was shot in the back of the head and they tied up Hicks with a telephone cord. Hicks was going to take them to another location where cash was stored. However, Hicks broke loose from the gunmen when they attempted to drag him to their old blue and white pickup truck in the driveway. Hicks ran screaming to a neighbor's house for help. Police later identified the two gunmen as Marcel Cardenas and William Fred Bennett. From an anonymous tip, Cardenas from Hialeah was arrested at a Hollywood bar for the murder and armed robbery.

Matus had previously pled guilty in 1975 to smuggling a ton of marijuana and received three years of probation. Matus was arrested for a conspiracy with five others in a plot to smuggle marijuana from Jamaica to Connecticut. Unfortunately for Matus and his five friends, the group was attempting to hire undercover federal agents to import the marijuana for them. Matus later testified as a witness for the government in a major trial that ended in a hung jury.

During pre-trial depositions for the Matus murder case, Hicks refused to answer various questions, to include the source of his income, invoking this right against self-incrimination. Hicks and the defense attorneys wanted immunity for his testimony at the murder trial due to his criminal history and pending conviction appeal for marijuana smuggling. The judge denied it. Hicks would be accused of ordering the killing of Matus by the two gunmen during their trials. Bennett was convicted and sentenced to two concurrent 30 year terms of imprisonment which were later reduced to concurrent 20 year sentences. Cardenas was acquitted of the charges.

Four years after the first home invasion, Hicks' home was broken into again by five armed robbers in 1981. He was handcuffed while the home invaders stole \$40,000 in cash along with gold and jewelry.

The third time was not a charm. Hicks was found shot and stabbed to death in 1983 at his Hallandale home. Hicks was murdered a few weeks before he was to begin serving an appealed four-year prison sentence. Hicks appealed his convictions for alleged failures by the government involving witnesses. The convictions were affirmed, but Hicks was to be resentenced to the new sentence.

The murder case was cold for three decades until a Hallandale Beach police detective received a tip. In a 2004 videotaped interview, a man imprisoned in Tennessee claimed to have assisted the killer of Hicks. The prisoner stated that he took the killer to Hicks' home that day



and heard a gunshot. The prisoner reportedly observed the shooter standing over Hicks' body and helped him steal drugs from the house. The detective then located and interviewed the alleged killer who was serving a life sentence in Jacksonville for a rape charge. The shooter denied any involvement in the murder. Due to the lack of fingerprints or DNA physical evidence and an immunity statement promised by the detective during the first prisoner's interview, no criminal charges were brought against either man. Broward County prosecutors acknowledged that they were the likely suspects but there was insufficient evidence to prosecute them.

Unknown if associated, a former business partner of Hicks was shot and killed two months before Hicks during a wild car chase on Interstate 95 near Fort Lauderdale. Thomas Fitzgerald Adams was shot seven times during the highway chase that involved three or four pursuing vehicles. After being shot in the head, his company truck crossed the median and struck another vehicle travelling in the other direction. Just more than a week prior to his murder, Adams hired a security guard service after his front door was shot 14 times and his roof was firebombed.

Adams, the president of a construction company at the time, also built and raced speedboats. Adams and Hicks were partners in a company that built high-powered motor vessels in the late 1970s in a very active area associated with go-fasts and narcotic smuggling. Adams and Hicks owned Signature Marine Company in Miami; their marine business on Thunderboat Row was located next door to the famous Cigarette boat builder Don Aronow who was murdered in 1987. Law enforcement suspected Adams of financing cocaine and marijuana smuggling groups.

A 1990 newspaper article implicated a former Metro-Dade police officer as being associated with the death of Adams. Adams was one of many South Floridians murdered that were allegedly linked to former officer Gilbert Fernandez Jr., also known as the "Hulk" for his massive size and bodybuilding titles along with his karate and kickboxing skills. Fernandez was charged with the murder of three of his associates during a drug rip-off in Hollywood, but the bodies were located in the Everglades in Dade County in the area that he patrolled. After the triple homicide, Fernandez and fellow bodybuilding champion Hubert Christie allegedly decided that they had to kill Adams too. Adams was apparently the money man and knew about the cocaine deal that was ripped off by the two bodybuilders. Adams was murdered 26 days after the killing of the three associates. Fernandez was also implicated in eight other murders, many with the common link to Fernandez' Apollo Gym and Fitness Center. After a two month trial,

Fernandez and Christie were convicted and sentenced to life in prison without parole. There was not sufficient evidence to proceed with any other prosecutions.

## **Marijuana and the Maritime**

To address the drug smuggling threat, USCG expanded their high seas drug interdiction operations in 1973. In the next four years, the amount of motor vessels and marijuana seized by USCG double from each previous year. In the first 11 months of 1978, USCG reportedly seized 137 motor vessels and 3.1 million pounds of marijuana – more than the previous five years combined. In the 1978 fiscal year, USCS reportedly seized 94 aircraft and 6,198 motor vehicles involved in marijuana smuggling. The vast majority of the maritime interdictions were reportedly off the coast of Florida or in the Caribbean Sea.

In another congressional held by the House of Representatives, Committee Merchant Marine and Fisheries, Subcommittee on Coast Guard and Navigation in 1979, it was estimated that 90 to 95 percent of the marijuana was imported into the United States; most of it was believed to be transported by motor vessels of all sizes. It was also estimated that 10,000 to 15,000 tons of marijuana, valued up to \$21 million, were imported into the United States in 1977. The smuggling route shift from Mexico and the southwest border to Colombia and maritime border continued to be confirmed through the increasing seizures and arrests. With mounting operations around Florida, smuggling operations would also spread out to the Gulf of Mexico and up the eastern seaboard to evade detection.

The use of motherships hovering in international waters and meeting smaller vessels for the final smuggling leg transitioned to other methods after increased enforcement. The smugglers realized that loads comingled with other cargo on large ships were more difficult to locate during inspections at sea. Fishing and pleasure motor vessels accounted for approximately 60 percent of the motor vessels seized while smuggling marijuana in 1978 with cargo ships representing another 31 percent.

According to the testimony, 40 to 50 percent of the motor vessels interdicted by USCG or USCS possessed some level of previous suspect or lookout information which assisted in the identification of targets. With the assistance of the multi-agency El Paso Intelligence Center and other coordination centers and activities, the improved cooperation between law enforcement agencies was bearing fruit. However, the interdictions and seizures did not always result in criminal convictions. Out of the 193 arrests made by USCG in 1979, 43 suspects were released

with no charges; 44 suspects were repatriated and 106 suspects were pending trial in the United States. One of the intentions of the hearing was to address these low prosecution rates and improve enforcement authorities.

The considerable increase in narcotic interdictions created other challenges for the law enforcement agencies in the late 1970s. USCS had approximately 170 motor vessels in seizure awaiting forfeiture proceedings in South Florida. Many of the vessels were in USCS custody for well over a year consuming limited dock space and obstructing daily navigation on the Miami River and other waterways. As the storage costs increased over time, the condition of the seized vessels often decreased resulting in a reduction of funds reaped from the sale of the forfeited property. In some cases, the sale of the vessel did not cover the costs of its storage.

To add insult to injury, a smuggling organization could purchase the forfeited motor vessel at public auction at a bargain price and place it back into smuggling service after some much needed maintenance and repairs; at times, the same motor vessel ended up back in seizure from another drug smuggling interdiction. After a motor vessel, often a coastal freighter or large fishing boat, was seized several times, the government would sometimes decide to just scrap the vessel and sink it off the Florida coast as the newest artificial reef. It was a much better use for it and appreciated by sea life, fishermen and divers alike.

During the congressional hearing, the USCS commissioner identified a loophole in existing federal law that permitted American registered yachts and pleasure motor vessels to report to or clear customs up to 24 hours after arrival from a foreign port or place. Unlike vehicles and aircraft, these motor vessels did not have to report to customs immediately at designated border stations or ports of entry upon their arrival to the United States. Needless to say, the 24 hour period would permit the secluded off-loading of contraband and other nefarious activities with little chance of observation. USCS was studying whether it would be effective to require immediate reporting at designated places to better focus USCS resources and deter smuggling activities. USCS would later institute new reporting time and location requirements for these common motor vessels (something that shall be pertinent later in this story).

Marijuana remained the most interdicted narcotic contraband with the USCG seizing only 21 kilograms of cocaine from 1973 to 1978. Possibly contributing to the significantly smaller amount seized could be that cocaine was easier to conceal from discovery during a search or more easily jettisoned into the sea if law enforcement encountered the vessel. Even so, this was the calm before the cocaine storm.

## **New Maritime Authorities**

Congress developed, amended and passed laws, to include the Marijuana on the High Seas Act (MHSA), to expand authorities to address the challenges of interdicting and searching motor vessels functioning as motherships in international waters. The greatest benefit of MHSA was to expand authorities beyond United States vessels to vessels subject to the jurisdiction of the United States. The wording appeared somewhat similar, but it was a much broader federal authority for law enforcement. This expansion included stateless vessels or ones with multiple national registries.

MHSA also assisted in addressing an error with the adoption of the Comprehensive Drug Abuse Prevention and Control Act (CDAPCA) of 1970. CDAPCA was the primary federal statute for the enforcement and prosecution of drug possession and importation. While developing the act, Congress inadvertently repealed the existing law that prohibited possession of a controlled substance aboard United States flagged vessels on the high seas without any replacement provision in the new act. CDAPCA prohibited possession of narcotics in territorial waters, but not on the high seas unless there was evidence of a conspiracy or attempt to import into the United States. The error actually legalized controlled substance possession aboard a United States vessel outside of customs waters. Because of this loophole, federal prosecutions of smugglers on the high seas were often dismissed at the preliminary hearings.

The most significant result outcome of MHSA was that prosecutors were no longer required to prove a conspiracy to import the controlled substances into the United States. However, the enforcement of the new law was still delicate due to international treaties and long established expectations of sovereignty for foreign flagged vessels, people and property – freedom of the seas. The United Nations Convention on the Law of the Sea declared that freedom was a fundamental principle underlying the legal concept of the high seas. It was not a green light to board and inspect any apparently stateless vessel, but more complex with possible confusion over the actual status of the vessel and international relationships.

With no reference to illegal acts by foreign nationals aboard foreign vessels, MHSA did not clearly address their criminal activities and jurisdictional challenges. The prosecution of narcotic smuggling utilizing this new act would create conflicting case law requiring further guidance and interpretation. By the time MHSA was passed in 1980, narcotic smuggling was

already starting to transition from marijuana to cocaine for the increasing demand and higher profits for the smaller and more lucrative loads.

Congress responded with the Maritime Drug Law Enforcement Act (MDLEA) in 1986 as part of the larger Anti-Drug Abuse Act. The new act extended jurisdiction to any vessel with some connection to the United States. The MDLEA expanded on the MHSA by extending United States jurisdiction to any foreign vessels on the high seas, or even in foreign territorial waters, so long as the relevant foreign nation consents or waives objection. The consent now included oral authorization from foreign nations and could be obtained through radio, telephone or other electronic means to expedite the process.

MDLEA was a controversial law when it further expanded the jurisdiction of the United States outside of its territorial waters and involved foreign flagged vessels and nationals. Opponents of the act viewed it as a threat to the freedom of the high seas. Subsequent case law did not provide a consistent perspective of the expansion of authorities beyond the borders. The act and case law did require the suspect to be drug trafficking “on board” a covered vessel rather than on foreign territory. MDLEA would be amended in 1996, 2008 and 2016 to address case law and the smuggling methods that evolved to circumvent the law.

The Anti-Drug Abuse Act of 1986 and MDLEA were further enhanced through the Coast Guard Drug Enforcement Act of 1988 to address personal liability exposure for USCG and Naval personnel, provide additional guidance for determining the flag status of vessels and other issues. As with all laws, real world implementation identified insufficiencies and loopholes requiring clarifications. Naval personnel required clearer protections when firing at vessels that failed to stop, especially when injuries resulted in the enforcement actions. USCG personnel were subject to lawsuits for maritime activities under the Suits in Admiralty Act and Federal Tort Claims Act while on land. The law was expanded to prosecute U.S citizens on foreign flagged smuggling vessels when that nation did not wish to prosecute the U.S. citizen. The changes addressed when a vessel was sunk before boarding and could not be identified. The amendment also addressed when vessel registry information was undetermined at the time of boarding, but a valid foreign registry was presented at trial.

At the end of the decade, the United Nations addressed the need for international coordination with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. It was adopted in late 1988 to promote cooperation among its parties to address international narcotic trafficking. The document covered jurisdiction, forfeiture,



extradition, mutual legal assistance and transfer of legal proceedings. The United States signed on in 1988 and adopted it in 1990.

Even with these new federal laws and mounting law enforcement authorities, South Florida continued to be a busy place since the 1970s for successful and unsuccessful marine and air drug smugglers.

## **Den of Smugglers**

Through the lens of the interdicted marijuana air smuggling loads from Colombia involving the Barker Family, it was apparent that South Florida was a prime source for pilots, crew, conspirators and aircraft. A review of the other interdictions and cases involving suspects associated with the Barkers demonstrated the important role of South Florida in drug smuggling in the 1970s. According to media reporting in 1975, federal officials had arrested more than 80 suspects with ties to South Florida connected with 22 air drug smuggling loads since 1972. The flights carried approximately 33,000 pounds of marijuana and 69 pounds of cocaine from Colombia and Jamaica. The cocaine tsunami had apparently not started yet, but it was coming.

The media analysis did not include at least two of the three marijuana loads associated so far with the Barker Family. The analysis did identify the death of eight persons from South Florida in five plane crashes linked to drug smuggling since 1972. Four of the aircraft were registered to the leasing company Florida Airways International, owned by Kenneth J. Burnstine of Fort Lauderdale. Florida Airways International was subsidiary of Karol Investment Corporation, a national and international seller of light infantry arms, sub-machine guns and exotic weapons. The overlapping of drugs, guns, money and South and Central America would continue through the 1970s and 1980s in several other infamous drug smuggling stories and national political controversies.

Burnstine was arrested in 1974 for conspiracy to import \$18 million worth of marijuana and cocaine from Mexico. Burnstine was convicted in 1975 and sentenced to seven years in prison. While free on appeal for his federal conviction, Burnstine was killed in a P-51 Mustang aircraft crash in California in 1976. His death affected up to 64 drug smuggling cases for which he had agreed to be a government witness and the prosecution of a Florida state representative. The South Florida politician allegedly provided Burnstine with information about a drug investigation and a map of the surveillance locations of narcotic agents in Florida for a \$12,000 payment. The charges were dropped against the state representative. However, the rumors about

Burnstine did not die with him; was it murder, suicide or a faked death with a body double. An accident just seemed too convenient.

## **Beating the Border**

Besides being a source of aircraft and pilots, South Florida was a prime smuggling location and training ground for air smuggling. With the old and abandoned airstrips from World War II training days and long desolate county roads, there were many options in such a flat and rural state at the time. Airstrips were carved into the remote Everglades, pine forests, ranches and farm land which provided privacy and easy counter surveillance platforms. When the heat was too much, the off-loadings were just moved further inland or to the north.

The aggressive South Florida pilots employed several methods to reduce or evade detection to include flying on the deck and piggybacking other aircraft. On the deck means flying extremely low along the water to evade radar detection or possibly appear as a fast moving motor vessel on radar if set to sweep that low. Travelling at 50 feet above the water is a very dangerous move, but can be successful when approaching and crossing the border. Piggybacking is when two aircraft fly extremely close to each other as to appear on radar as one aircraft. This is another dangerous method due to the high speeds and possibility of midair collisions.

Both air smuggling methods do not leave a large amount of room for error. Once successfully crossing the border, landing further inland could increase the appearance of a domestic flight and reduce possible interaction with customs and law enforcement officials. This may be one of the reasons why some of the previously discussed smuggling aircraft landed in Mississippi, Georgia and Virginia.

There was another method or trick that air smugglers used to evade detection and customs inspection. A cooperating defendant identified a trick that his agent handlers did not believe could work with the advanced technologies in the 1990s without detection due to radar and air traffic control protocols. Prior to his arrest for air smuggling and flipping, the cooperating defendant flew drug loads directly into smaller airports near larger ones with designated customs inspection stations. The smuggler would file a flight plan to enter the country at the Fort Lauderdale Executive Airport or Fort Lauderdale/Hollywood International Airport to properly clear customs. The smuggling pilot maintained contact with air traffic control during the flight and appropriately utilized his aircraft's tracking transponder. When it

was time to switch frequency for the airport approach, he would report that he was changing his radio over for the landing. Rather than contacting the tower for the landing, he just turned north several miles and landed at the small Lantana Municipal Airport. The small airport in Lantana was most definitely known for suspicious pilots, aircraft and activities since the 1970s.

If the smuggling pilot was detected, he could always feign ignorance and apologize that he landed at the wrong airport. He was just tired and confused after a long flight at night. By the time anyone could respond to personally chastise him, the drugs and other evidence would be long gone. However, the cooperating defendant was never caught the many times that he reportedly did it.

When undercover USCS and DEA special agents planned to coordinate a controlled importation and delivery (function as the air smugglers) of cocaine and marijuana from the Bahamas for a South Florida smuggling organization in the early 1990s, they tried this unlikely method. The undercover agents were told by the very experienced USCS Miami Air Branch personnel and FAA officials that the plan would never work – the system could not be beaten that way. The flight plan deviation would be immediately noticed. Since the USCS Air Branch was so sure that it could not happen and that the smuggling pilot must be planning to disappear with the load, it assigned two helicopters to support the controlled importation and help the take-down of the off-loading crew.

On a day just before midnight when it was quite dark and still a little busy in the sky, the cooperating defendant executed his plan as likely several other times before. He picked up the drugs in the Bahamas and headed back to Florida. Rather than landing at the designated Fort Lauderdale international airport, he diverted at the last minute and landed in Lantana. The USCS and DEA investigators watched the aircraft arrive and the South Florida owners off-load their drugs into a waiting van. The suspects were arrested and drugs seized on the dark ramp. Once all were in custody, the surveilling Black Hawk (UH-60) and AStar (AS350) helicopters landed to inspect the scene. The pilots and air interdiction officers were in shock that the scheme worked without system detection. The USCS case agent won several rounds of beer from his aviation peers and a meeting was set with the FAA.

The Barker Family would attempt to coordinate one more known marijuana air smuggling load with negative results. They would end up with criminal convictions though for their efforts.

## **The Belize Load That Never Was**

During the early 1980s while Ronald Barker was dealing with several pressing issues and inconveniently unavailable (in state and federal prisons), other members of the Barker Family continued smuggling conspiracies and suspicious activities.

Cecil Barker, 69 at the time, and Joseph Arnett were convicted in 1983 for a 1981 plot to smuggle marijuana from Belize to Florida. The two defendants conspired with Florida Department of Law Enforcement (FDLE) confidential informants to plan an importation at the Cork N' Cleaver Restaurant in West Palm Beach (FDLE was now known as FDLE). The pair arranged and paid \$7,500 for the delivery and off-loading of the marijuana from Belize to an airstrip near Tampa, Florida. Cecil Barker and Arnett, of Stringer, Mississippi, were arrested before the first smuggling trip actually occurred since FDLE did not have authority to operate outside of the United States to execute it. It was unknown why FDLE did not involve USCS and/or DEA for the federal and international nexus – possibly interagency infighting or distrust.

Ronald Barker had been previously sentenced in 1983 for the same Belize marijuana smuggling conspiracy to five years in prison by the same state court judge. Ronald Barker had also been convicted in federal court for separate narcotic violations which were overlapping with this prosecution and sentencing. Courts can order defendants to serve their sentences while already in another institution giving them credit for two concurrent sentences at the same time. Ronald Barker's prison schedule was certainly overbooked.

Due to no apparently located criminal history for Cecil Barker, he and Arnett were sentenced to 364 days in jail and ten years of probation by the state court judge in 1984. They were both fined \$2,500 for the conspiracy. It is unknown why Cecil Barker's previous arrests and 30 month sentence in state prison in 1965 were not considered during this state sentencing. The judge acknowledged the lenient sentence, but noted that they were arrested prior to the State of Florida enhancing its drug laws. This pattern of luck and leniency continued for the Barkers. The judge permitted the pair to remain free on bail pending their appeal of the convictions. Nevertheless, Cecil Barker would be identified in other suspicious activities in 1983.

## **Mortgage Fraud and Other Scams**

Cecil and Richard Barker were identified in a \$108,000 mortgage fraud scheme involving the sale of a Fort Lauderdale condominium in the spring of 1983. Through fraudulent

documents, the property transfer was completed with the involvement of John Joseph Longo and his mortgage company. The Barkers were agents or intermediaries between Longo and a never actually observed buyer named Albert Surano Urkina in the real estate transaction. This was the second property purchased by the unidentified Surano Urkina with Longo's assistance.

Longo issued an \$115,000 mortgage loan to Surano Urkina for the condominium and then sold the loan to a third party investor for \$97,500. When the real estate sale was filed with the county records office, a forged document was submitted concealing an active second mortgage held by the original property owners. When the fraudulent document was identified, the property was returned to the original owners; the investor was left with a worthless mortgage and Longo retained \$97,500. The investor later filed a claim with Attorney's Title Insurance Fund and received \$108,000 for his losses. The title insurer, which was not terribly pleased with having to pay off the dubious transaction claim, was never able to locate or confirm the existence of Surano Urkina. The Barkers were not much help in the search. The title insurance firm requested the Palm Beach State Attorney's Office to investigate the forgery and fraud, but that did not appear to go anywhere.

In a later deposition, Longo admitted to never meeting Surano Urkina, but described him as an influential man with possibly hundreds of millions of dollars. Surano Urkina was believed to be foreign government official illegally bringing money into the United States at the time. Longo stated that he transmitted all property sales documents through the Barkers to Surano Urkina.

Longo stated that he first met Cecil Barker in 1978 through Peter S. Penrose, an attorney and drug trafficker who was convicted in 1980 of attempting to extort \$42,000 from Longo. Cecil Barker had reportedly borrowed \$25,000 from Longo leveraging a northern Florida property for the loan. Cecil Barker needed the money in a hurry to visit his son who was in a Costa Rican prison at the time. The amount of money was definitely more than needed for the trip and indicated that it might be utilized to facilitate the release of Richard Barker from the Central American jail. By 1985 and the depositions, Richard Barker was back in the United States and dealing with a 1977 federal drug trafficking charge.

This was not the first time Longo was involved in suspicious and criminal activities with his businesses ranging from gemstones to real estate mortgages. He had been accused of defrauding and stealing several million dollars from several people. Longo's first criminal conviction was in 1975 for federal attempted robbery and drug charges for which he received



probation. This was the first arrest that he apparently forgot about in the 1985 deposition for the mortgage fraud when he swore he did not have a criminal record.

Longo's work history included experience in private waste sanitation, restaurants, jewelry and the Teamsters Union. During a reported fraud and theft of gemstones in 1980, Longo allegedly brandished a handgun and stated that he was with the mafia. Longo had received gems on consignment from the owner with no intention of selling or returning them. The owner contacted FDLE to report the theft and threats, but no charges were filed against Longo. The owner later sued Longo for the stolen gemstones and received a court award of over \$3 million in 1982. The owner never recovered a cent and reportedly committed suicide in 1983.

Longo was stopped for speeding in 1982. When Longo opened his glove compartment to retrieve registration and insurance documents, the officer observed a firearm. He was arrested for speeding, possession of marijuana, carrying a concealed firearm and possession of a firearm by a convicted felon. While the criminal case was pending adjudication, Longo was introduced to a Broward County judge at a bar by a third person. The third person later stated that Longo's case could be fixed by the judge for \$50,000 in cash. Longo contacted the Broward State Attorney's Office to report the information. After weeks of surveillance and investigation, it was determined that the third person made up the story about the judge and was charged with grand theft for receiving the \$50,000. The criminal charges were later dropped against Longo for his cooperation with the false allegations against the judge.

Longo was involved in a dispute with David Allen Pandorf, a former member of what was believed to be Florida's largest marijuana smuggling organization in the late 1970s. Pandorf purchased freighters and planned marijuana deliveries for the Steinberg narcotic smuggling organization, also known as "The Business" or "The Company". The prolific organization used freighters to smuggle the drugs from Colombia to Florida, Virginia and Massachusetts. According to federal prosecutors, the smuggling organization was responsible for one-sixth of all marijuana coming into the United States between 1977 and 1979.

From federal prison for a drug conspiracy conviction, Pandorf filed a lawsuit in 1985 claiming that Longo cheated him out of his vehicle, house and \$250,000 in diamonds. Pandorf claimed that he was forced to sign a false receipt for a \$20,000 payment for the gems by Longo and several armed men in 1983. Several days later, Pandorf claimed that more men returned to his residence and used an electronic stun gun on him when he opened the front door. Pandorf was informed that he had now deeded his property over to Longo and was thrown out of his

house with a warning to never come back. Longo's father moved into the house and was the deeded owner after the incident.

Attorney Penrose had been arrested in 1980 for attempting to extort \$42,000 from Longo. Four other suspects from the northeast were arrested along with Penrose as part of the extortion conspiracy. Longo, who was on probation for the 1975 conviction for conspiracy to smuggle marijuana, told law enforcement that he loaned Penrose \$25,000 for a land deal. Longo further admitted that Penrose had previously approached him to finance a \$20,000 drug deal. Penrose reportedly repaid Longo \$40,000 for a loan then demanded the money back, threatening to send hit men if he did not comply. Additionally, it was alleged that the \$40,000 was given to Longo for a load of marijuana that was never delivered to the men associated with Penrose.

Prior to the arrests, Penrose and the men met with Longo at his residence twice in one day to resolve the dispute over the money. Longo had verbally fought and physically struggled with the men at his residence during the second visit resulting in the subjects shooting several shots through Longo's window as they fled his house. One of the rounds caused a minor wound on Longo's leg. Longo was later instructed by Penrose to pay an extra \$2,000 for medical bills since Longo had reportedly broken the arm of one of the men, with his chrome-plated shotgun, during the second visit struggle.

When the Fort Lauderdale Police Department responded to the shooting call, Longo asked them for help with an extortion plot against him. Law enforcement monitored a meeting that was set up between Longo and the men that resulted in the probable cause for the arrest of the suspects. During the investigation, law enforcement had reason to believe that the furnished \$40,000 came from a Teamster's local pension fund causing the four other suspects to travel down from New England to Florida to assist in the recovery. Penrose and five other men were indicted in 1980 for the attempted extortion of Longo.

During the extortion investigation, law enforcement discovered that attorney Penrose possessed a criminal record as an active member of the bar. Penrose had been indicted in 1977 for conspiracy and importation of marijuana. Later in 1977, he pleaded to a lesser charge and was sentenced to six months in federal prison. Surprising many, The Florida Bar took no disciplinary actions against Penrose for the federal drug conviction and prison sentence. The Florida Bar reportedly did not have a record of it until the investigation and media inquiries surfaced.

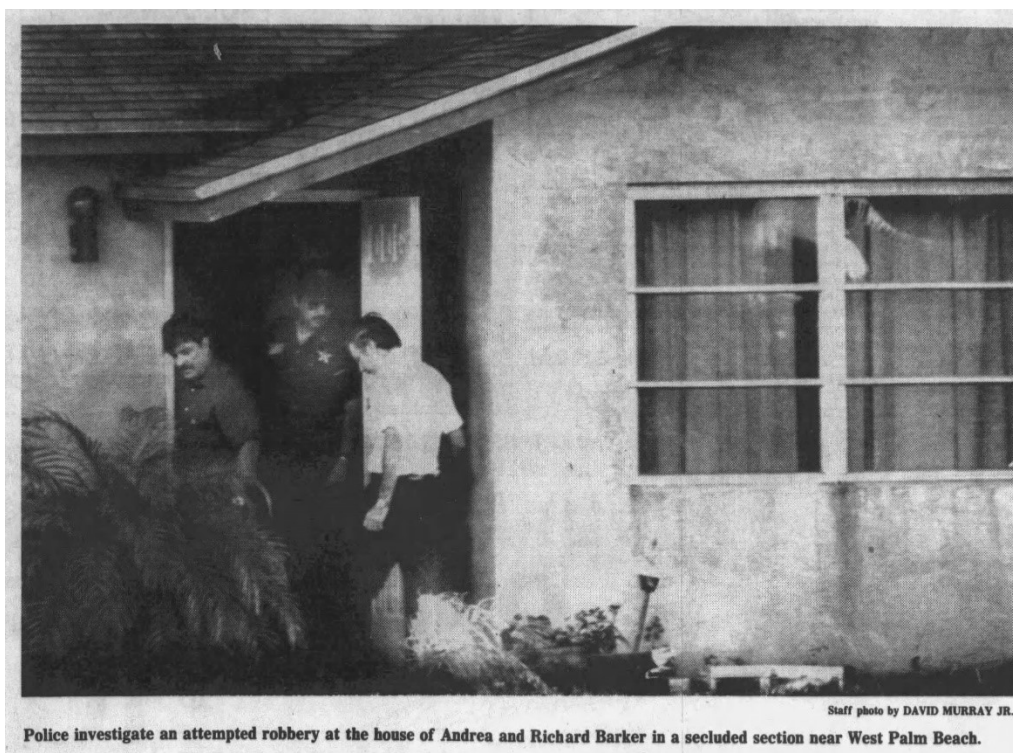
In the disbarment case against Peter S. Penrose in 1982, The Florida Bar cited the following findings that Penrose: (1) abandoned his law practice, leaving all files unattended and in the possession of a non-lawyer; (2) pled guilty to violating 21 U.S.C. § 844 (1977) (possession of marijuana); (3) failed to conclude a dissolution after accepting a fee to do so; (4) was involved in a conspiracy to purchase and distribute marijuana; and (5) was guilty of extortion. The disbarment was five years after his marijuana smuggling conviction and two years after the extortion conviction. Penrose remains no longer eligible to practice law in Florida.

The relationships and interactions between Cecil Barker, Richard Barker, Longo, Penrose and others provide an extraordinarily interesting story, especially with the drug smuggling, extortion, financial crimes and possible money laundering violations. Everyone appeared to be associated with narcotic smuggling at one time or another in these linked stories. This would not be the only suspicious incident involving money, extortion and shots fired at a residence. It was South Florida in the 1970s and 1980s after all.

### **Three in the Chest**

According to newspaper reporting, Richard Barker was involved in an attempted robbery and hostage situation at his residence in 1984 which resulted in the death of an intruder. Three subjects, at least one armed with a .380 caliber firearm, entered Barker's rental home on Rustic Road in rural western Palm Beach County. The first subject entered the residence and met with Barker and his common law wife, Andrea Martin Barker, in their living room. The first subject then let the two other men into the house. The subjects stated that they were going to hold his wife hostage until Barker paid \$5,000 for her release. The armed subject had been reportedly attempting to collect the money for a month from Richard Barker.

During the incident, Andrea Barker reportedly threw a glass of wine into the face of the armed intruder. During the altercation, Richard Barker then grabbed a .45 caliber firearm from a desk drawer in his bedroom and shot the armed intruder three times in the chest. After the shooting, the two other intruders reportedly broke through rear windows of the residence and hurriedly fled the scene in their vehicle. The armed intruder, later identified as Joseph F. Nicholas, died at the scene.



Police investigate an attempted robbery at the house of Andrea and Richard Barker in a secluded section near West Palm Beach.

### Barker Residence

Fort Lauderdale News 10/06/84

A newspaper article identified Barker as an importer of wood products from Costa Rica. After the initial shooting investigation was completed, Barker was reportedly arrested for an outstanding federal warrant for smuggling.

No charges were filed against the Barkers at the time pending the case presentation to a grand jury. A month later, the Palm Beach County grand jury voted to not file charges against Barker for the shooting of Nichols. Law enforcement did not discuss the motive of the intruders or reason for the debt. The incident and its media coverage appeared rather cryptic, indicating that the debt may have been associated with illegal activities involving Barker and the intruders. It would be a fair assumption with the background of the Barker Family and their questionable associates.

### Guns and Ludes in Jersey

Richard Barker was arrested with three other men in Clifton, New Jersey the next year in 1985 for drug and firearms violations. During a tactical patrol of a motel parking lot, a

plainclothes officer in an unmarked vehicle observed a suspicious person. When the scruffy police officer approached the person in a rented car, the driver pulled out a .38 caliber handgun from his belt to intimidate the undercover officer. Not a good move. The officer called for backup.

Barker and the other suspects were located in a motel room with firearms, marijuana, methaqualone (Quaaludes) and cash during an interstate drug deal. Between the motel room and the suspect vehicle outside, 12,000 Quaaludes, three pounds of marijuana and three pistols were seized by the police. The four were formally referred to a grand jury two weeks later for drug and weapons charges. Since one of the firearms had its serial number removed, state and federal agencies were contacted to inspect and trace the firearms. The final disposition of the charges was unknown.

According to New Jersey police, Barker and Philip Ross Carter were from Fort Pierce, Florida and were both awaiting sentencing for previous narcotic violations. Carter had been arrested in 1984 by the Escambia Sheriff's Office (Florida) for trafficking in cocaine, possession of cocaine, carrying a concealed weapon, use of a firearm during a felony, fraudulent identification and other state charges. He was convicted of the charges in 1988. Carter did not receive a long prison sentence for these crimes possibly due to his apparent cooperation with law enforcement (as discussed later in this story).

Carters' Florida criminal history was not limited to the 1984 charges. Carter was first arrested in 1969 for fleeing from the police and traffic violations. He was arrested in 1972 for the possession of marijuana and in 1982 grand theft and fraud. Carter was arrested for making a false report in 1984 and failure to appear in 1985. In 1992, he was arrested for aggravated assault with a deadly weapon. Carter was arrested for grand theft in 1993. Carter was arrested for conspiracy to commit murder- first degree in 2003 in the Florida Keys. He received a 20 month sentence for the attempted murder charge and was quickly released from custody in 2004.

Carter was the owner of a 1968 Bertram 25 foot motor vessel that was seized and forfeited in 1983 by the Palm Beach Police Department for a criminal violation. His criminal history does not reflect an arrest during that time period, so it may have been used by another during criminal activity resulting in its seizure.

One of the two New Jersey suspects arrested with Barker was arrested again at a motel in Clifton, New Jersey in 1986. He was arrested, with a woman from Pompano Beach, Florida, for

credit card fraud. The pair used a stolen credit card to rent two hotel rooms, possibly to conduct similar activities to their previous crimes with Barker. The hotel was directly across the street from the previous unlucky motel.

## **The Unknown History**

The majority of the previously listed activities, interdictions, arrests and prosecutions were not well-known to many of the investigators and prosecutors who were chasing the Barker Family in the 1990s, especially the cases outside of Florida. Criminal histories and law enforcement records in the 1970s and 1980s were not as automated or technically advanced as today and the dots did not always line up. Fingerprint cards were manual, with ink and paper, and had to be physically mailed to central state and federal locations for inspection, classification and entry. Unfortunately, not all arrests around the country were documented or properly submitted for the national criminal history records.

USCS did possess an exceptionally advanced record and case management system for its time in the late 1980s. The Treasury Enforcement Communications System II (TECSII) was released in 1987 for the investigators and inspectors; it was a significant improvement from TECS initiated in 1970. The TECSII green screen technology for its time was quite advanced and permitted instant information sharing and suspect tracking. While the DEA and other federal agencies were still using typewriters and then word processors for carbon paper report forms, USCS was electronically sharing reports and information around the world. The numerous USCS cases and lookout records involving the Barker Family and their associates from around the country and Caribbean could be found in TECSII with the proper access level. It was a great benefit for information sharing, but it also posed challenges with operational security and officer safety should the wrong person access or share certain information. Many agencies had access to TECSII at different levels.

Investigators often rotated in and out of narcotics units and regional offices which also limited corporate knowledge of the family and their associates that was not automated and easily accessible. This fact of life most likely benefited the smugglers due to missing or disparate information. As it turned out, the Barker Family was even more skilled and accomplished in the art of drug smuggling and distribution than even alleged by law enforcement and their confidential informants. They were worthy adversaries.



## Continued Close Encounters

As the decade turned, members of the Barker Family continued to be encountered or arrested by law enforcement for various violations. Angela Dee Sizemore, Richard Barker's common-law wife, was arrested in 1988 for possession of cocaine and marijuana by the Saint Lucie Sheriff's Office. USCG reportedly boarded a motor vessel on the water based on USCS information and escorted it to the local USCG station for an inspection. During the search, a small quantity of cocaine and marijuana were located in the front pocket of Sizemore. After the U.S. Attorney's Office declined federal prosecution, she was turned over for state prosecution. Her criminal history record does not document the disposition of the two state charges.

Richard Barker was identified by USCG during a routine boarding of his motor vessel off the coast of Palm Beach County in 1990. During the routine inspection and records check, an active arrest warrant was confirmed resulting in Barker being turned over to PBSO for processing and clearing the warrant out of the national database. The arrest warrant was apparently for an unidentified jurisdiction outside of Palm Beach County for unspecified charges.

Richard Barker, Ronald Barker and Angela Sizemore were encountered by USCG again in 1992 when they were on a motor vessel that reportedly ran out of gas at sea off of Florida's coast. While being escorted back through the Palm Beach Inlet by USCG, PBSO also provided assistance to the Barker boat. The Barkers stated that they had run out of fuel while fishing off the coast line. When PBSO attempted to confirm their questionable and changing story regarding which marina they departed from and when, it became obvious that they were not fishing. The four fishing rods on the motor vessel were not functional and other observations did not add up.

PBSO deputies received consent to search the motor vessel. An airline ticket was located for travel to the Bahamas by Ronald Barker a few days before the boarding. With the location of the airline ticket and conflicting statements, the Barkers changed their story for a third time that they were traveling from the Bahamas. A small amount of cocaine was located in the baggage of Richard Barker which resulted in his arrest. A law enforcement database query located an active arrest warrant for Sizemore.

USCS special agents were called to the USCG station to search and clear the passengers and motor vessel for entry into the United States. Richard Barker eventually admitted traveling

to the Bahamas to pick up his brother. The return trip could have been an aborted drug smuggling venture with the contraband thrown overboard or aborted upon the sighting of USCG. The motor vessel was diligently searched for any additional contraband and false compartments with negative results. PBSO transported Richard Barker and Sizemore to the county jail for processing and detained the boat until the confirmation of the legal owner.

For the 1992 cocaine possession felony charge, Richard Barker received adjudication withheld and one year of state probation. It was a very small amount, but he caught another break. Barker's name continued to appear in many narcotic smuggling intelligence reports and investigations.

### **Don't Really Know Him**

After numerous attempts, PBSO was able to locate the registered owner of the motor vessel named Perry G. McCann. McCann stated that he had loaned the boat to a person named Richard, but did not know his last name. McCann stated that he did not know the other two passengers that were found on his boat during the USCG boarding. McCann did not remember the exact day that he loaned the boat for a test drive for a possible sale. He inspected and inventoried the boat before receiving custody of it.

Due to asset forfeiture laws, many smugglers rented or borrowed motor vessels from third parties to commit their criminal activities. If a borrowed boat were to be seized during a crime, the ever-surprised third party owner would claim innocence and retrieve the property from law enforcement detention. The greatest expense to the third party owner would possibly be only the boat storage fees paid and their personal time lost to recover it. This was a well-recognized practice documented through numerous seizures, interviews and investigations. The third party makes money for the short-term rental and the smuggling organization has access to fresh and clean motor vessels at will to match their smuggling needs. These third party motor vessels were not the subject of lookout records or general broadcasts for the focus of limited law enforcement resources. This may have been the scenario with the 1992 McCann motor vessel incident.

Perry McCann would tell the Boynton Beach Police Department in 1993 that Richard Barker borrowed a go-fast boat from him and did not return it. McCann had been storing the missing motor vessel on the canal at Barker's rental residence in Boynton Beach. McCann would also be quoted in a 1994 newspaper article regarding a future Richard Barker alien

smuggling arrest. McCann bragged that Barker could cross the ocean from the Bahamas to Florida without a compass by his celestial navigation skills. McCann appeared to have an on-going relationship with the Barkers and likely knew Richard's last name.

McCann would be arrested in 1996 as part of a conspiracy to smuggle and distribute more than 1,000 kilograms of marijuana to Florida from Mexico. The Texas federal indictment charged four persons for the smuggling conspiracy between 1988 and 1991. The criminal organization allegedly smuggled tons of marijuana from Mexico to South Florida. McCann, along with two other defendants, filed a motion to dismiss the federal indictment in Texas with negative results. McCann was sentenced to 3 years of probation with 100 days of home detention in Florida.

### **There is a Load on the Way**

In late February 1993, a USCS special agent received information from a confidential informant that Robert "Bobby" Lee Geans and Richard Barker were planning to smuggle narcotics from the Bahamas to the West Palm Beach area. The confidential informant supplied a description of two possible suspect motor vessels and the two suspects along with a possible off-loading site at Barker's rental house on a canal in Boynton Beach on Ocean Inlet Drive just southwest of the Boynton Inlet. The drug load was expected to be 50 kilograms of cocaine.



Boynton Inlet from Boynton Ramps

Writer 2019

Richard Barker rented the modest single story waterfront house from Alex Galligan, the owner of Lakeside Marina in nearby Hypoluxo. Source information alleged that the rental payment may have consisted of something other than currency. The gold colored 1986 Porsche that Barker drove at the time, and reportedly owned, was registered to Galligan. Beyond the Barkers receiving visitors at all hours of the day and night annoying the neighbors, Galligan reported in a media interview that they were friendly people – an old southern family.



Boynton Beach Rental House

Writer 1993

Like so many other Barker associates, Galligan had an interesting history. According to newspaper reporting, Alex Richard Galligan and Robert John Bowden, both of Lantana, were arrested in 1981 with 1,000 pounds of marijuana when their boat named “Blue Runner” sank and required to be rescued by USCG 13 miles off the Palm Beach County coast. Galligan was also the victim of a robbery at his home on Ocean Inlet Drive in 1982. Robbers posing as sheriff’s deputies executing an arrest warrant for drug violations reportedly entered his residence and stole a large quantity of cash from his home safe. He was handcuffed and eyes and mouth were duct taped by the robbers. Galligan was slightly injured when one of the bandits discharged a firearm near him into the floor as he was lying face down on the floor. The thieves parted from the house with the cash leaving him on the floor.

### **The Boynton Inlet**

The Boynton Inlet is approximately 67 miles west of Grand Bahama Island and its busy seaside towns of West End and Freeport. Grand Bahama was popular for tourists, fishermen and general relaxation. The Abacos, just east of Grand Bahama, were a popular area for smugglers to reside, operate and store their motor vessels, aliens and contraband. This continued the tradition from Prohibition days. In the early 1990s, there were many marinas with more dock



spaces than hotel rooms on the growing Abaco islands. It was said to be the boating capital of the Bahamas. Great Abaco is the second largest Bahamian island after Andros Island to the south, another popular location for smugglers and tourists alike for its proximity to the Florida Keys and Miami. From the islands of Grand Bahama and Great Abaco, the smuggling groups had a straight shot to Florida and the vast United States market.



Boynton Inlet Out to the Ocean

Writer 2019

The Boynton Inlet, also known as the South Lake Worth Inlet, is renowned for its challenging passageway to and from the ocean with its strong currents. The inlet conditions can significantly change with little or no warning causing peril to the transiting motor vessels. With the inlet's dogleg turn to the south at the ocean, waves, winds and currents can greatly affect the operations of even the largest boats with experienced captains. A sandbar on the south side of the main entry channel to the inlet only further restricts the entry and departure routes at the inlet according to the tide. In 2019, an experienced dive boat captain was photographed being thrown from his motor vessel's bridge into the turbulent inlet, leaving his surprised paying passengers left on board.



The inlet is also well-known for its use for smuggling due to its easy and immediate access to the vast Lake Worth Lagoon containing the Intracoastal Waterway leading to numerous canals and marinas. The inlet provides instantaneous access to the boat ramps at the 8 acre Harvey E. Oyer Jr., Park, commonly known as the Boynton ramps. The Boynton ramps are directly west of the inlet and can be reached within minutes for a quick off-loading to a waiting vehicle or loading of a motor vessel on a trailer with Interstate 95 only one mile away. In addition to the four boat ramps, the park provided ample vehicle and trailer parking, docks, bathrooms and picnic areas. Because of this, the ramps were the subject of regular and drive-by surveillance by law enforcement.

The Boynton Inlet provided a more advantageous entry point as compared to the Palm Beach Inlet to the north to evade federal law enforcement facilities. The Palm Beach Inlet, also known as the Lake Worth Inlet, divides Palm Beach Island from Singer Island. Inside the inlet, there was a USCG station on Peanut Island in the 1990s that could observe maritime traffic for possible inspection. There was a private vessel reporting station (a designated dock location and telephone to call USCS) at the Sailfish Marina that could be manned by USCS personnel for an entry inspection or boarding. There was also the Port of Palm Beach where USCS uniformed inspectors were stationed to conduct their duties, primarily involving inbound and outbound cargo on container ships.

### **The Funeral Day Load**

While USCS investigators were conducting surveillance for the returning Barker Family suspects, tragically a PBSO deputy was killed in the line of duty while trying to stop a robbery at a bank automated teller machine. The funeral was scheduled for the morning of March 2, 1993. The large majority of the law enforcement community in the county was expected to attend the funeral. As a result, a skeleton USCS surveillance crew was not able to attend Sergeant James “Rocky” Hunt’s funeral for concerns that the Barker Family would take advantage of the tragedy - and they did.

USCS marine enforcement officers maintained surveillance at the Boynton Inlet and Ocean Inlet Drive residence in Boynton Beach early on the morning of March 2, 1993. One investigator was on the roof a condominium near the inlet and another at a vacant house across the canal from a suspect residence. Previous information and intelligence indicated that Richard Barker was renting the residence and its valuable backyard canal dock.

In the late morning, a 1987 Mako 22 foot motor vessel was observed with two suspects on board entering the inlet from approximately three miles off-shore and traveling to the dock at the suspect address located on Ocean Inlet Drive. The two suspects on the motor vessel, later identified as Geans and Ronald Barker, were observed off-loading approximately 170 pounds of marijuana concealed in white coolers from a compartment in the floor of the white single engine motor vessel at the suspect residence. The two smuggling suspects were being assisted by five other suspects at the residence including Cecil Barker (78 at the time) and Angela Sizemore.



Marijuana Load  
Writer 1993



Orrin Cecil Barker  
Writer 1993



Ronald Cecil Barker  
Writer 1993



USCS marine enforcement officers, USCS special agents and Boynton Beach Police Department officers responded to the residence to interdict the narcotic smuggling venture and secured the crime scene. The seven suspects were arrested and the narcotics and motor vessel were seized at the dock and in the house. Ronald Barker and Geans reportedly obtained the marijuana from Richard Barker via Bimini.



BOB SHANLEY/Staff Photographer

## 7 ARRESTED IN BOYNTON SMUGGLING CASE

BOYNTON BEACH — Seven people were arrested Tuesday after agents found what they say was 170 pounds of marijuana unloaded at an Ocean Inlet Drive dock. Those arrested were Ronald and Orrin Barker; Robert Lee Geans; Irmina Betancourt; Angela Sizemore; Eddie Ruth, and Langford Jackto.

### Boynton Beach Load

Palm Beach Post (03/03/93)

After receiving consent from the legal renter of the property, the law enforcement officers searched the residence which resulted in additional information and intelligence which would assist in that enforcement action as well as future investigations to include Bahamian, Jamaican, Panamanian and other international telephone numbers, addresses and names. Subsequent investigation confirmed that Richard Barker had been staying in the residence and contacting known targets and organizations.

Unfortunately, the United States Attorney's Office in West Palm Beach declined federal prosecution of the suspects due to the perceived small size of the marijuana seizure even though it was a confirmed international importation by a prolific smuggling group. The federal threshold for marijuana prosecution was reportedly 5,000 pounds at the time, but that minimum amount seemed to vary greatly with each prosecutor's personal agenda and specific suspect considerations. After impassioned discussions, it was determined that these suspects did not merit federal prosecution. The United States Attorney's Office missed an opportunity to hold the well-known smuggling group members accountable and possibly discourage future smuggling ventures, especially with the previous criminal histories of several of the defendants.

The seven suspects, marijuana and motor vessel were turned over to the Boynton Beach Police Department for prosecution by the State of Florida. There were also active state arrest warrants for Cecil Barker and Sizemore at that time. Regrettably, the Palm Beach County State Attorney's Office decided to prosecute only Ronald Barker and Geans for the narcotic smuggling and off-loading at the residence. Sizemore, Cecil Barker and three other suspects were not formally charged for their involvement in the off-loading of the marijuana and overall conspiracy. Two of the other three freed suspects were allegedly the owners of the drug the load, but could not be proven at the time.

According to a confidential informant, law enforcement missed a quantity of hashish oil that was reportedly concealed within a white 5 gallon bucket of marine lubrication grease. The Barkers had hidden the ball of hashish oil container under several inches of engine grease in one of two white buckets left on the dock. The bucket was reportedly retrieved the next day by other members of the smuggling group before law enforcement realized their error and returned to the dock. Part of the load made it to offset the future legal costs.



The Buckets  
Writer 1993

Ronald Barker entered a plea of guilty in late 1993 to the Florida state charge of possession of marijuana. He was sentenced to only four months of incarceration in the local jail to begin in early 1994. If he failed to appear for his sentence, he would be sentenced to 42 months in state prison. After an authorized delay, he did later appear as required for the very modest county jail sentence.

Richard Barker thought that law enforcement may have received information from a neighbor resulting in the Boynton Beach interdiction. He also strongly considered that Geans may have talked to someone. However, according to a source of information, there were rumblings within the organization that Richard Barker was playing both sides as a confidential informant (likely a very accurate accusation).

### **A Little History for Geans**

In early 1994, a trial was held for Geans by the State of Florida in the Palm Beach County Courthouse for the marijuana smuggling venture. After a two day trial, he was found guilty for the charge of possession of marijuana. Geans was sentenced to one year in the PBSO Detention Center. He was authorized for the work release program only after serving approximately one month. Geans was released early on the first day of 1995. Like with Ronald



Barker, it was another modest jail sentence for the smuggling of marijuana into the United States.

A confidential informant received information that Geans was quite upset with a USCS special agent due to the investigator's unexpected appearance and testimony at Geans' state sentencing hearing which resulted in Geans being sentenced to one year in jail instead of two years of probation. The special agent had lost the fight for the prosecution venue and criminal charges for the two suspects, but he did not give up on encouraging the most appropriate outcome. Geans stated that he wanted to obtain more information on the USCS special agent. This would not be the last time the Barker Family attempted to obtain information on the special agent due to various investigations, interactions and arrests. The persistent investigator was observed or encountered way too many times.

Geans had a rough reputation. Some of that reputation could be found in his automated Florida criminal history. His criminal record started in 1962 with breaking and entering and burglary. It was followed in 1963 and 1966 with traffic offenses and 1965 for disorderly conduct. He was charged in 1967 with neglect of a child followed by contempt of court in 1969. Geans was arrested in 1970 and 1971 for assault and battery and contempt of court. He was arrested in 1972 for grand larceny. Geans was arrested in 1979 for aggravated assault and battery with a weapon which resulted in his first real sentence of 30 months of probation. He was arrested in 1983 again for aggravated assault and battery (detailed below). His criminal history documented the 1993 arrest for smuggling marijuana followed by a 1998 arrest for domestic violence for which he again received one year of probation.

Geans was reportedly the victim of an aggravated armed robbery in 1979 with the theft \$7,000, three firearms and jewelry. Geans was struck on the head and tied up during the robbery at his residence. The two suspects were arrested in Georgia with the firearms.

Geans was arrested in 1983 for the aggravated assault and battery of Charles Bernard Roche. Roche's beating injuries were so severe that he required emergency brain surgery and was considered a possible attempted homicide landing him in the intensive care unit. Geans and Roche were allegedly fighting over \$18,000 that was missing and reportedly ripped-off by or for Geans. According to interviewed witnesses, Geans and Roche were involved in illegal drug activities and narcotic smuggling. When released from the hospital two weeks later, Roche requested to talk to an attorney before answering any questions about his assault – it was an unexpected request by the seriously injured victim. Roche finally provided a recorded statement

a month after the attack; Roche was then arrested for three unrelated active warrants for bail and probation violations after his formal statement accusing Geans of the beating. Geans was charged with aggravated battery and received one year of probation, even with his previous criminal history.

Roche did have a history of marine smuggling and drug distribution. According to media reporting, Roche was arrested by the federal government in 1981 in Miami with two others for alien smuggling. The three suspects were arrested by USCG and local police after six Colombian illegal aliens were observed departing a boat off the Intracoastal Waterway after entering from the ocean. Roche was arrested by PBSO in 1982 for the possession of cocaine with intent to sell. The disposition of both cases was unknown.

Months after his altercation with Geans, Roche was arrested in 1983 with three other suspects during a marijuana smuggling venture in Boca Raton. Police seized 1,000 pounds of marijuana from a 28 foot motor vessel and arrested four suspects. Police became suspicious when a truck was pulling an empty boat trailer in the middle of the night. Undercover officers followed the truck and trailer for hours until it retrieved the motor vessel from the Intracoastal Waterway near an ocean inlet. When the truck and boat were stopped by the police, a bale of marijuana was observed in plain view. A USCS special agent was called to search the boat and another 22 bales were located in a hidden compartment in the bow. A map and receipts from the Bahamas were located during the arrests.

Roche was arrested in 1984 in Delray Beach with two suspects from Minnesota with more than 100 pounds of marijuana and \$90,000 in cash. The arrest was the result of a month long drug smuggling investigation. Roche was arrested again in 1988 for an out of state warrant from Pennsylvania for an accident involving death. He had also been arrested for domestic battery and drunk driving over the years.

Geans would be involved in another incident that would result in his stabbing. Geans and James E. Stevens were involved in an altercation at the Lantana Municipal Airport in 2000. The Lantana Municipal Airport was still a very active area for both air and maritime smugglers as well as undercover law enforcement operations. During the fight over issues at the airport hangar, Stevens' ankle and leg were broken and Geans had a bowie knife lodged in his back. Geans would not provide a statement to the police. Neither Geans nor Stevens apparently pressed any charges for their injuries. This was reportedly one of many violent incidents over the years that did not appear in Geans' criminal history.

Geans would allegedly continue to be associated with narcotic smuggling and distribution activities by confidential informants and sources of information.

### **Continued Smuggling and Violations**

Investigations, intelligence and rumors indicated that Richard Barker had remained in the Bahamas after the Boynton Beach seizure and was planning additional narcotic smuggling ventures to make up for this lost marijuana load and other difficulties. He was allegedly coordinating several marijuana, Hashish oil and cocaine loads in the Bahamas, moving them from island to island. Geans allegedly returned to working with the Barkers.

Due to alleged threats against Richard Barker's well-being by other members of narcotic smuggling and distribution groups, he officially moved to the Bahamas to operate his narcotic smuggling organization. The word on the street was that two different narcotics groups were looking for Barker. The first group was said to be an Italian organization from Boston that was owed drugs. A little closer to home, a Cuban organization from Miami was also displeased with Barker over a narcotic transaction. At least one of the groups reportedly wanted to kill Barker for a drug deal gone bad. The remainder of the Barker Family remained in the West Palm Beach area to apparently support the Florida side of the operations.

Additional suspects and motor vessels were identified for surveillance and investigation in Florida and the Bahamas. Through law enforcement automated databases and international agreements, much of the suspect information was shared with domestic and international partners. The sharing of this information continued to be a tremendously delicate balance to protect sources and methods while attempting to cast the largest net possible for a wide-ranging smuggling organization.

One of the Barker Family suspect motor vessels was reportedly detained in the Bahamian waters between Andros Island and Bimini in 1993. The Royal Bahama Defence Force (RBDF) reportedly arrested four Bahamian nationals and seized 50 pounds of marijuana from the suspect motor vessel. Shortly after the same suspect motor vessel was encountered by USCS marine enforcement officers with Richard and Ronald Barker on board at the suspect Ocean Inlet Drive address in Boynton Beach. The Barkers, well aware of customs reporting requirements, entered the United States from the Bahamas without clearing with customs. An administrative penalty

for the failure to report an entry from foreign travel was issued to Richard Barker. After the interaction, the suspect motor vessel quickly returned to the Bahamas.

Due to the repeated failure of the Barkers to officially report and clear customs upon their entry via motor vessel into the United States from a foreign location or international waters, USCS investigators expanded the use of administrative penalties against the encountered suspect boat captains. Since this was not the duty or responsibility of a special agent or marine enforcement officer to issue administrative penalties, special access to the USCS computer system was provided to two investigators to process these penalty actions. The enhanced enforcement method was frequently a fruitless threat since the \$5,000 penalties were all too often mitigated to several hundred dollars by USCS administrative officials in Miami or completely ignored by the recipients with no serious consequences from the government. Low on the list of priorities, both the boat captains and the government often ignored or forgot about the outstanding administrative penalties. This did not stop the USCS investigators from enforcing the customs law, even if only as a legal annoyance to the violating boat captains. Nevertheless, this expanded administrative penalty tactic would provide an enormous benefit in a future Barker Family investigation. Persistence definitely pays.

While conducting routine analysis and investigation, a USCS special agent identified a new outstanding state arrest warrant for Cecil Barker with PBSO for violation of probation in late 1993. Cecil Barker's arrest for the 170 pounds of marijuana apparently violated his soon to be ending state probation. During regular surveillance of the smuggling group, Cecil Barker was located, with Ronald Barker, at the Gun Club Cafe and arrested for the state warrant and turned over to PBSO. The cafe continued to be a regular meeting location for the Barker Family near their home, as well as a fantastic place to find a home cooked meal. For a person approaching 80 years old, Cecil Barker continued to be an active member of the Barker Family smuggling group.

### **Expansion to Alien Smuggling**

Four months after the marijuana seizure in Boynton Beach, USCS marine enforcement officers surveilled Richard Barker arrive at the same rented house dock on a 28 foot go-fast boat. The USCS investigators observed Richard and Ronald Barker unloading two bags from the boat and moved in for another narcotic interdiction. Instead, they found that the bags contained dirty clothes, photographs of believed Haitian nationals and Haitian identification documents. There was not enough probable cause for an arrest so the information was turned over to U.S. Border Patrol (USBP).

At the same time in 1993, a confidential informant reported that the Barker Family was expanding its smuggling operations from the Bahamas to increase the number of illegal aliens due to the immediate profits and lesser exposure to prison time than narcotics. The Barkers were observant and correct.

The threat of prosecution was not as high as for narcotic smuggling with almost half of all alien smuggling cases presented for prosecution between 1993 and 1997 in South Florida were declined by federal prosecutors. This was a noticeably high percentage as compared to federal prosecutors in Southern California and South Texas who declined only three percent of the cases. Many of the cases were declined for lack of investigative or prosecutorial resources or weak evidence according to the Justice Department. The politics in Florida of the smuggling of Cuban illegal aliens may have played a part. Another factor was the challenge of holding aliens as material witnesses until trial rather than their repatriation. If prosecuted and convicted in South Florida in 1997, the average alien smuggler received only a five month prison sentence.

The Barker Family had reportedly been involved in alien smuggling for approximately three years. During this same time period, there appeared to be a significant increase in alien landings on the beaches of Palm Beach County and around South Florida.

Before the establishment of the U.S. Department of Homeland Security in 2003, USCS primarily focused on the smuggling of contraband and the U.S. Immigration and Naturalization Service (INS) principally focused on the smuggling and trafficking of humans. Due to the separation of enforcement priorities, USCS special agents met with INS and USCG personnel in late 1993 to coordinate investigative and enforcement activities. INS, USBP, USCG and FDLE had recently created a joint task force targeting illegal alien smuggling into the United States. The task force received information that the Barker Family was heavily involved in illegal alien smuggling via motor vessel.

Further confidential informant information in late 1993 alleged that the Barkers had increased their involvement in alien smuggling, often Haitian nationals, in the past due to its immediate profits and the increased interdiction of their narcotic smuggling ventures by USCS. They reportedly charged \$1,500 for the transportation of each Haitian national alien and \$5,000 for each Chinese, Indian and Pakistani national alien to the shoreline of the United States. The Barkers also reportedly smuggled narcotics during the alien smuggling ventures often known as commingled loads.

According to later media interviews of illegal aliens smuggled into the United States, Richard Barker charged between \$1,000 and \$2,000 a person to be smuggled from the Bahamas to Florida. Richard Barker was reportedly a well-known drug and alien smuggler in the Bahamas.

In addition to the use of go-fast motor vessels at night to smuggle aliens, Richard Barker reportedly utilized sport fisher or cabin cruiser type motor vessels to smuggle aliens during the day. With an innocent looking man and woman on the bridge heading back to Florida on a Sunday in heavy boat traffic, it would not raise suspicions that a load of aliens were concealed below deck. According to a Barker family member who was onboard of one of the smuggling ventures from the Bahamas, it was quite a successful endeavor.

Confidential informant information indicated that three motor vessels were often utilized to transport the higher paying Asian aliens from the Bahamas to Florida. The first vessel transported the aliens with a United States citizen functioning as the captain of the vessel. A second vessel met the first vessel approximately 15 miles off the United States coast in international waters to retrieve the captain of the first vessel. The third vessel would then tow the first vessel into the United States. If the first and third vessels were encountered by law enforcement officials, the captain of the third vessel would state that he located the first vessel with the aliens adrift at sea and was in the process of towing it to the first port of entry to contact USBP or local police. If the two vessels were not interdicted, the aliens were provided fishing poles as a cover for being on the boat and fraudulent United States identification immediately prior to their delivery on shore somewhere between West Palm Beach and Vero Beach, Florida to pose as citizens.





Abandoned Drum Fuel Tanks  
Writer 1994



Abandoned Metal Fuel Tank  
Writer 1994

The Barkers reportedly believed that USCS was not concerned about alien smuggling and that USBP, a division of INS, would not be frequently encountered during their alien smuggling ventures. Unfortunately at the time, both assumptions were all too accurate from their experience and agency priorities and resources.

## **Aliens in the Bahamas**

In the early 1990s, the departure of citizens from Haiti extensively increased due to the civil and economic unrest stemming from the Haitian military coup in September 1991. Because of the instability, Haitians nationals accounted for a significant portion of the aliens interdicted at sea by USCG in United States, Bahamian and international waters. Many of the overloaded sailing and motor vessels were located in the 700 Bahamian island chain on the way to the northern Bahamas and United States.

USCG interdiction statistics in 1990 reported the interdiction of a few hundred Haitians by their agency. Their interdiction numbers skyrocketed to 37,618 in 1992 and 25,302 in 1994. By 1995, the numbers were tracking back down to the hundreds. Haitian nationals accounted for a significant portion of the illegal aliens interdicted and arrested near the shoreline in the mid-1990s in South Florida once they evaded maritime patrols. Interdictions today continue to include Haitian nationals, but nowhere close to the numbers in the early 1990s. The system can be gamed other safer ways.

The majority of the Haitians traveled to Grand Bahama or the Abaco Islands in search of their final transportation to Florida. The movement of aliens appeared to be the worst kept secret due to numerous deaths at sea and interdictions along the island chain. If the bodies were not recovered from the sunken overloaded vessels located at sea, the reports from their family members painted the enormity of the tragic picture. The large number of Haitians in the Bahamas placed an obvious stress on the limited island land and resources. The Bahamians, and their government, often did not encourage their stay or hinder their pass through travel to relieve the added stress to their islands.

Surprisingly, the Bahamian chief of immigration for the Abacos admitted in early 1994 newspaper interview that he knew little about alien smuggling in the Abacos. There was not a shortage of Haitian aliens staging on the Abacos. The official stated that it was hush-hush and that he may hear a whisper now and then. With the amount of boat traffic and Haitians living on

the islands, it would be difficult to not have a better understanding of the issues and enforcement challenges and the stresses placed on the nation.

The Abaco police commander had a different observation of the issue. He stated that Haitian alien smuggling was a very lucrative business with the boat captains earning \$500 to \$1,000 for each alien in early 1994. The commander believed that the smugglers saw it as an alternative to transporting drugs. The police commander admitted that he really did not know how the alien smuggling worked since so few smugglers were arrested in the Bahamas at that time.

The Abaco police and immigration officials may have not been up to speed, but many Bahamians at the ports, marinas and docks were well-versed on the numbers and needs. There was a constant flow of Haitians looking for transportation options via motor vessel, cargo ship or any other viable method. They wanted to be in the United States.

Media reported on the use of boats without registration numbers abandoned on the Florida beaches to off-load the aliens with little or no fuel to spare. Other smuggling operations employed additional boats as lookouts and to carry extra fuel tanks to ensure that the smuggling motor vessels made it safely to Florida and back for the next load. Smugglers have been known to enter an inlet and travel directly to a boat ramp, dock or marina, but this door to door service greatly increased the possibility of observation and interdiction. Some of the most sophisticated organizations would have vehicles waiting to retrieve the aliens upon arrival. Having vehicles waiting on lonely streets in the middle of the night could draw unwanted attention, but so would 30 aliens walking down the same quiet beach road with no immediate transportation plans.

If the aliens were caught by local, state or federal law enforcement and turned over to USBP for processing, they would often be released to family, friends or sponsors with a court date for which they may or may not ever appear. The odds of being returned to Haiti were low. Their trips were complete.

### **The Alien Load He Got Away With**

In October 1993, USBP and USCS arrested Vernon Lockhardt, a Bahamian national, and seized a 35 foot motor vessel in Lantana for the smuggling of illegal aliens from the Bahamas to the United States. USCS was supporting the USBP alien smuggling investigation. The arrest and

seizure were the result of the apprehension of approximately 56 Haitian illegal aliens located in Palm Beach County days before the arrest. The aliens were from two different smuggling loads.

Confidential informant information alleged that Richard Barker, Ronald Barker and Lockhardt were involved in the illegal transportation of the Haitian nationals into the United States. The three were observed talking together by USCS investigators just prior to Lockhardt's arrest.

During Lockhardt's federal bail hearing, a second smuggler was reported to be on the motor vessel with him functioning as the captain. The second person was identified only as a white male. Lockhardt would be associated with Richard Barker, by the United States Attorney's Office, during the future prosecution of Barker for the smuggling of illegal aliens from the Bahamas to the United States.

Alien interviews and court documents from Lockhardt's trial would identify Barker as the captain of a motor vessel that smuggled 31 Haitian aliens from Freeport to Palm Beach County in March 1993. The Haitian aliens were instructed to jump into the deep surf at the shoreline during the off-loading. The aliens that refused to enter the ocean were dropped off on Beer Can Island; it is a man-made island immediately inside the Boynton Inlet on the north side. It was originally a party island well earning its name. Beer Can Island is now a bird sanctuary with an adjacent sandbar that still collects boaters and parties during low tide.





Boynton Inlet to ICW, Beer Can Island and Boynton Ramps

Writer 2019

During Lockhardt's federal alien smuggling trial, his attorney argued that the real alien smugglers were Richard and Ronald Barker. Lockhardt was found guilty of 31 counts of alien smuggling. During his sentencing to one year in federal prison in April 1994, Lockhardt stated that the captain and organizer of the alien smuggling venture was Richard Barker. Prosecution and defense motions during the case linked Barker to the October 1993 alien smuggling venture. However, Barker was not charged for his alleged involvement in the alien smuggling load because no alien fully identified him from the photographic array (lineup). This was another missed opportunity to discourage the persistent and expanding Barker Family smuggling activities. Lockhardt was released from federal prison in late 1994 and returned to the Bahamas.

### **Other Possible Alien Loads**

Information from various sources continued to allege that the Barker Family remained extraordinarily active in narcotic and alien smuggling via motor vessel from the Bahamas. This information continued to be shared with domestic and international partners that may have both

assisted and hindered operations and investigations with possible leaks to the criminal organization.

USCS was notified by USBP that 29 Haitian aliens were arrested while attempting to illegally enter the United States in December 1993 at the seaside town of Ocean Ridge. At approximately 10:00 at night, an Ocean Ridge resident observed a motor vessel approximately 25 feet in length off-load the aliens in the water at the beach. After the Haitians nationals were on the beach, the motor vessel, without its navigational lights activated, departed the area.

Some of the aliens were located just south of the Ocean Ridge Public Safety Department while others crossed the bridge on Ocean Avenue into Boynton Beach. According to media reporting, the aliens appeared healthy, well dressed, dry and clean. All of the Haitians were later turned over to USBP for processing.

The next day a USCS special agent located and photographed a previously unidentified 25 foot motor vessel behind the Barker residence on Ocean Inlet Drive in Boynton Beach. The white and yellow Wellcraft boat was registered to a third party in Lake Worth. The latest suspect motor vessel was never seen again at the shady residence.

Ocean Ridge was a very popular drop-off location for Haitian aliens in 1993. It was a quiet little town on the barrier island with dark secluded beaches just south of the Boynton Inlet and not far from the Barker rental house. The population of the town was reported as 1,570 in 1990. The Ocean Ridge Public Safety (Police) Department consisted of approximately 15 police officers including the chief and two lieutenants. Although Boynton Beach owns the 2.7 mile beach south the inlet, Ocean Ridge patrols it. In August 1993 alone, Ocean Ridge police handled three Haitian alien landings in their small coastal town.

In October 1993, another 29 Haitian aliens were arrested in Ocean Ridge. The smuggling boat dropped the aliens and quickly departed the area. The smuggling boat and another one that smuggled 56 aliens days before (Vernon Lockhardt and Richard Barker) were believed to be operating out of Grand Bahama Island according to media reporting. It was estimated that 16,000 to 30,000 Haitians were living in the Bahamas at that time and facing pressure to leave the nation. Some of the aliens claimed that they paid \$1,500 a piece for the crossing to Florida.

Haitian aliens continued to be located in the early morning hours in Ocean Ridge throughout 1993 and along the coast in Palm Beach County.



A group of 46 Haitian aliens were dropped in January 1994 at the shoreline in Palm Beach near Jimmy Buffett's mansion. According to USBP, more than 200 aliens had been dropped in that area in the previous four months. The extremely wealthy drop location was apparently popular due to the restricted lighting (turtle nesting area) and proximity to the Palm Beach and Boynton Inlets. The loads were thought to be associated with Richard Barker and his associates.



**Alien Load**  
Palm Beach Post 01/27/94

The Barker Family and their associates appeared to be extremely busy in the alien smuggling world. A little over a week later, Richard Barker's alien smuggling activities would be confirmed with tragic consequences.

### **A Surprise Entry and Two Alien Loads**

On February 7, 1994, just before midnight, a USCS marine enforcement officer and special agent received information from the USCS national communications center in Orlando that Richard Barker was formally and legally entering the United States on a motor vessel at Sailfish Marina on Singer Island. He was at the designated reporting station on the marina dock just inside the inlet. Surprisingly, Richard Barker was uncharacteristically adhering to federal law after a series of administrative penalties for his previous border entry reporting failures. It was a big deal and definitely worth reacting to. The marine enforcement officer immediately

responded to the marina and located Richard Barker on a gray 1986 Island Runner 31 foot go-fast motor vessel as the sole passenger. The boat, with twin Yamaha 200 horsepower outboard engines, displayed a Bahamian registration number from the Abacos Islands.



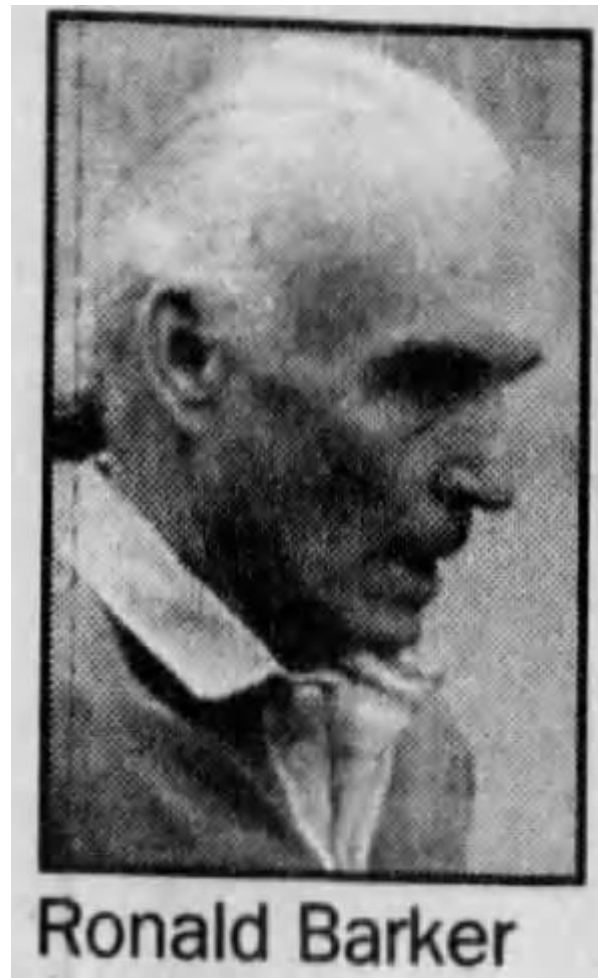
Sailfish Marina Docks

Writer 2019

While also responding to the marina to assist with the formal entry inspection, the USCS special agent contacted the alien smuggling task force to advise them of the unique situation. During the inspection of the motor vessel, the USCS investigators were informed by USBP task force members that 33 Haitian illegal aliens arrived on Palm Beach Island, a short distance south of the marina and Palm Beach Inlet. The landing of the aliens was in the same time frame as Richard Barker's arrival at the marina's USCS private vessel reporting station. Another group of 27 Haitian aliens were located on Hutchinson Island in Martin County, over 40 miles north of Singer Island, during the same time frame. USBP was responding to both alien landing sites with all of their available resources.

While the USCS marine enforcement officer was waiting for the arrival of the special agent at the marina, Ronald Barker and Angela Sizemore arrived to pick up Richard Barker in their frequently surveilled white Chevrolet Suburban. Unbeknownst to the USCS investigators,

the Palm Beach County State Attorney's Office had permitted Ronald Barker to postpone his incarceration until March 1994 for the previous narcotic smuggling interdiction in Boynton Beach, against the continued expressed wishes of the USCS investigators.



Ronald Cecil Barker  
Palm Beach Post 03/06/94

During the customs inspection, the motor vessel was extremely clean with only an ice cooler with a large amount of Saltine crackers and several motor oil containers on the deck. Saltines crackers, not known as a good ocean survival food, were often utilized to assist passengers with sea sickness. It appeared to the USCS investigators that the motor vessel's deck was rinsed prior to arrival at the official reporting station at the marina.

Strangely, the suspect motor vessel possessed a rather expensive global positioning system (GPS) navigation device rather than a LORAN-C hyperbolic radio navigation system. It was curious due to the poor condition and outfitting of the Bahamian go-fast boat.

Richard Barker stated that he had travelled from Port Lucaya, Grand Bahama to Singer Island on the Bahamian registered motor vessel. It was approximately a 78 mile trip. The motor vessel was reportedly being brought to the United States for the repair of its malfunctioning trim tab solenoids at a local boatyard. Trim tabs provide lift for the stern (rear) of a boat to reduce water resistance and improve speed and fuel economy. The malfunctioning equipment was the stated reason why the voyage that evening reportedly took so long for Barker. His timeline did not match his story along with other inconsistencies regarding the motor vessel and his actions that night.



Sailfish Marina and Palm Beach Inlet

Writer 2019

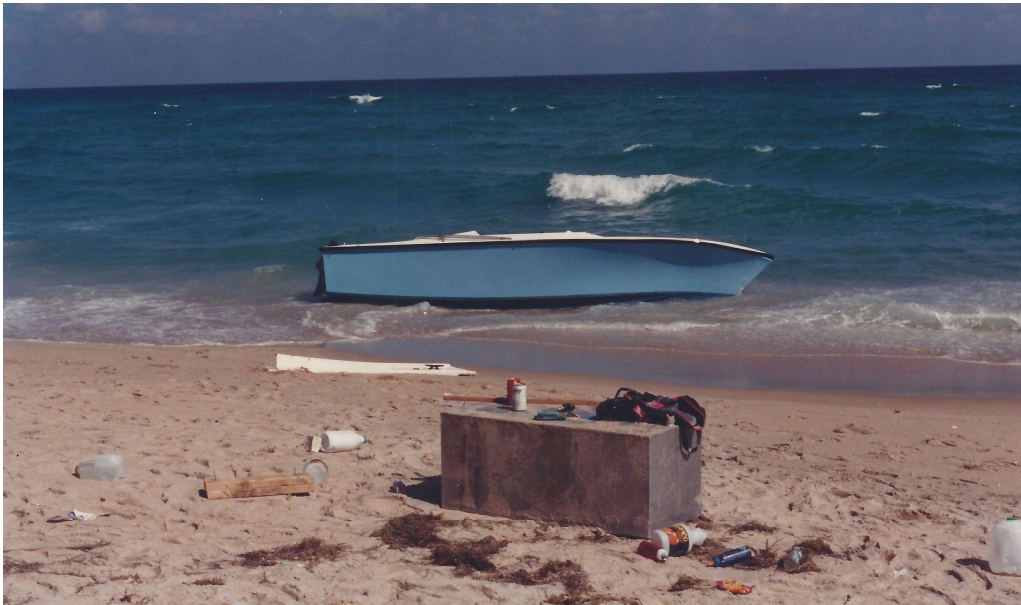
In the bilge area of the Bahamian motor vessel just forward of the center console on the starboard side, the USCS marine enforcement officer located a dark colored woman's blouse, a



child's bib and a gold chain. Richard Barker did not know who owned the items or how they got there.

Once the inspection was completed and it was confirmed that USBP was unable to transport any witness aliens to the marina due to the magnitude of the alien landings, Richard Barker and the motor vessel were released from customs inspection. Barker departed the marina with his brother and wife in their vehicle.

Further investigation indicated that Richard Barker was involved in at least one of the alien smuggling ventures. The motor vessel likely utilized in the smuggling of the 33 Haitian illegal aliens was partially sunk in the surf on nearby Palm Beach Island. Two 66 gallon aluminum fuel tanks and three 55 gallon plastic fuel tanks the beach near the beached motor vessel along with various clothing items and Bibles indicating a longer voyage with many subjects. It was believed that this motor vessel was also associated with Barker as a refueling and transportation boat.



Alien Landing Location on Palm Beach Island

Writer 1994

The next day, USCS received information from USBP that Richard Barker and the Bahamian motor vessel were allegedly involved in the smuggling of the 27 Haitian illegal aliens to Hutchinson Island. The smuggling venture resulted in the drowning of two adults and two children in the ocean surf. Two of the apprehended Haitian aliens positively identified Richard

Barker in a photographic array. Additional smuggled aliens also gave a description of the gray go-fast motor vessel that Richard Barker was operating during this entry. The aliens stated that Barker had forced the aliens to jump off the boat into the ocean outside of the surf line in the darkness which resulted in the four deaths and other serious injuries.

Justin Jean-Baptiste (age 7), Kenol Louis (age 6), Ermanite Joseph (age 42) and Rene Chauvette (age 28) lost their lives in the surf that fateful night.

## **The Smuggling Death Investigation**

Upon receiving confirmation of the death of the four Haitian aliens and that Richard Barker was the suspect vessel captain, a USCS special agent started searching for the smuggling boat. The Bahamian registered motor vessel was eventually located at Cracker Boy Boat Works boatyard in Riviera Beach, just west of Sailfish Marina and Peanut Island. The boatyard, operating since 1976, was a do-it-yourself boatyard that provided boat lift (haul-out) and chock services for vessels up to 50 tons. There was also a marine store. For those requiring assistance, there was a list of approved independent contractors that provided their services at the boatyard. The boatyard was also one of the many waterfront areas where sources of information were recruited for their valuable observations.

The suspect motor vessel was in the process of having the below the waterline portion of the hull repainted in a rush request by Barker. The waterline painting was elevated on the hull to cover missing paint and scratches. The boatyard employee was instructed to immediately complete this request. According to the boatyard worker, the boat's trim tabs did not require repair as Barker reported as malfunctioning while clearing customs several hours before.

The USCS special agent photographed and documented the numerous scratch marks on the hull, many consistent with fingernails clawing at the sides, prior to the repainting of the bottom by the boatyard employee. The USCS special agent maintained a surveillance of the motor vessel for several hours until USBP obtained sufficient probable cause for USCS to detain and seize it for them. The go-fast was impounded and transported to the main USBP station in Pembroke Pines for evidence processing





Alien Smuggling Vessel  
Writer 1994



Raised Waterline Painting  
Writer 1994

Further investigation revealed that the smuggling go-fast, seized as evidence, displayed a fraudulent Bahamian registration number and an altered hull identification number or serial number. The Yamaha engines did not match and one engine was missing its serial number. The motor vessel was most likely stolen from the United States and altered in the Bahamas, a fairly common practice at the time for smugglers and other criminals looking for bargain transportation. When the outboard engine serial numbers or other linked equipment cannot be traced to a specific motor vessel, an altered motor vessel often becomes difficult to fully identify – as in this case. The altered identification number provided another justification for seizure and forfeiture.



Altered Hull Identification Number

Writer 1994

After the two alien landings, the Boynton Beach Police Department received an anonymous telephone call from a male with a Creole accent that appeared to be a long distance telephone call due to the static on the telephone line. The unknown individual stated that Richard Barker and another known Bahamian suspect were responsible for the deaths of the Haitian illegal aliens at Hutchinson Island. The individual additionally stated that Barker was "killing his people" and that Barker owed him money. The individual stated that he would come

forward and testify against Barker after the individual reads about the arrest in the newspapers. The caller never did.

## **The State Homicide Investigation**

Shortly after the alien landing, the Martin County Sheriff's Office (MCSO) established an incident command post at a fire station on Hutchinson Island and started their search. Investigators interviewed the apprehended aliens. A Florida Marine Patrol (FMP) helicopter responded and searched the beach and surf for aliens and evidence in the area of Joe's Point. Joe's Point is a private beach access walkway on the ocean side for a waterfront island neighborhood of the same name on the Indian River side of the barrier island. It was an undeveloped area of dunes just north of a row of three story beachfront condominiums.



**Alien Landing Location**

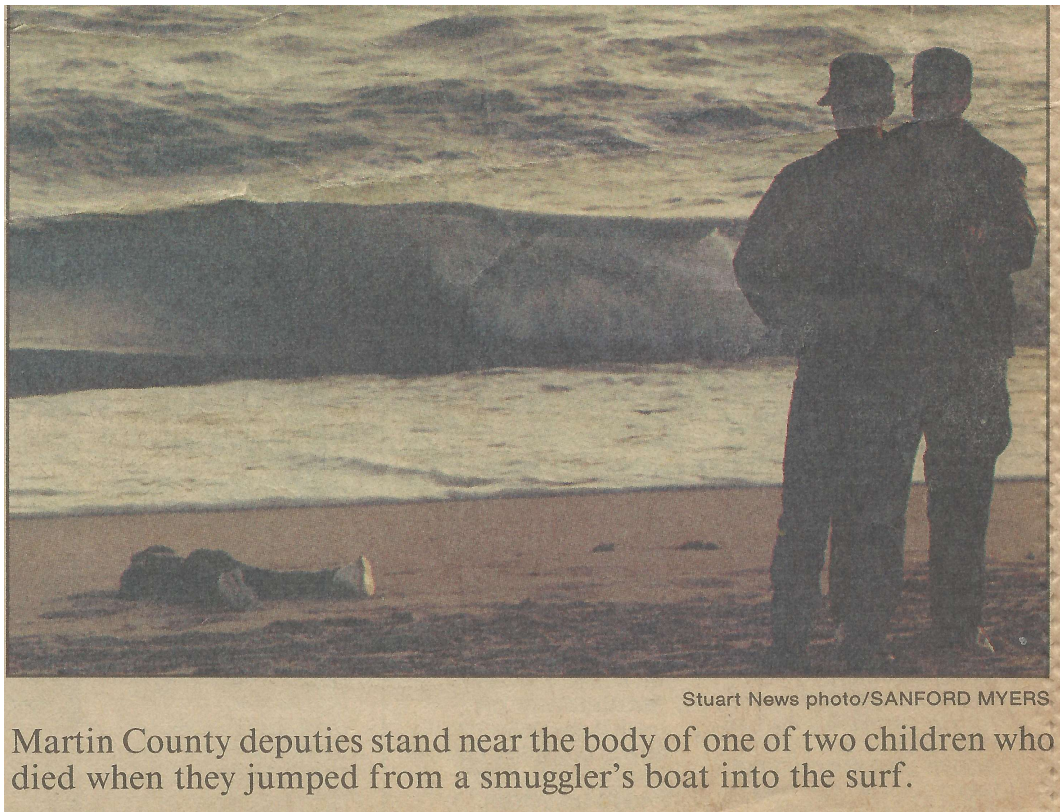
Writer 1994

The first body found was Justin Jean-Baptiste with a visible bump on his head and blood running from his mouth nose and an ear. The FMP helicopter located a second body of a male in the surf. A deputy pulled the face down body out of the surf and found no signs of life. The helicopter located a third body just down the beach. Two deputies pulled a deceased female from the surf. The body of Keno Louis was pulled from the surf by a citizen. He was lifeless



bleeding from his nose and mouth with rigor mortis setting in. His autopsy identified the cause of death as drowning from an accident. Keno Louis was later identified as Kenneth Delva by his reported father Tony Delva who resided in Miami.

One of the aliens was located at a pay telephone on the island with a list of names and telephone numbers along with a map of the location where he was dropped on the beach. Bahamian currency was later located in the back seat of a MCSO patrol vehicle after transporting an alien to the fire house.



Stuart News photo/SANFORD MYERS

Martin County deputies stand near the body of one of two children who died when they jumped from a smuggler's boat into the surf.

### Body of child on Hutchinson Island

Stuart News 1994

MCSO investigators interviewed more than 20 of the Haitian aliens arrested on the beach the night of the incident. All but one of the aliens denied that they were on Barker's boat. They appeared to be uniformly coached with the same false story.

Only one interviewed alien spoke English and was very nervous to answer questions. The alien did admit that a second vessel was involved in the trip to Florida from Haiti. The alien

possessed \$450 in cash and an unidentified airline ticket along with documents showing landmarks in area of the landing. It was thought that the alien played a larger role in the human smuggling venture. The alien later identified Barker via a photo array as the captain of the smuggling vessel. Subsequent investigation identified the English speaking alien as a Bahamian national.

After obtaining a state search warrant, MCSO photographed and processed the suspect Bahamian motor vessel for USBP and recovered various types of evidence including hair, jewelry and latent fingerprints. The MCSO detective also processed seven engine oil bottles, an emergency flare gun, a comb and a soda bottle for fingerprints. The seven latent lift cards submitted for evaluation lacked sufficient ridge detail and clarity for identification purposes.



Recovered Jewelry  
MCSO 1994

The State of Florida requested primary jurisdiction in the prosecution of any and all suspects involved in the death of the four Haitian aliens. The United States Attorney's Office in Fort Pierce planned to prosecute the alien smuggling venture.

MCSO and state attorney investigators interviewed Cracker Boy Boat Works employees regarding the seized suspect motor vessel. The boatyard manager stated that Richard Barker



contacted the business via marine radio for vessel maintenance for the “Smoking Joe”; however, no name was observable on the Bahamian motor vessel. The manager could not remember what maintenance was requested by Barker. The manager stated that he did not know Barker or what he looked like even though Barker stated that he had been reportedly coming there since he was a boy. Another person who lived and worked at the boatyard stated that Barker requested a “haul out” or removal of the boat from the water for maintenance. Barker later contacted the boatyard from a pay telephone for paintwork. A third boatyard employee removed the vessel from the water and pressure cleaned it; he noticed some scrapes on the haul a midships. Barker requested for the bottom of the boat to be immediately painted so it could quickly return to the water. Barker wanted the painted portion of the bottom of the boat raised to the waterline. Barker did not explain why. A boatyard office worker stated that Barker completed the paperwork for the work and a female, believed to be his wife, picked him up from the boatyard office.

The Martin County Medical Examiner’s Office completed the autopsies and ruled the deaths as the result of drowning. The deaths were later reclassified from death (non-criminal) to murder.

The Martin County State Attorney’s Office later decided to not prosecute Richard Barker for murder, homicide or manslaughter. The prosecutors did not believe that they possessed sufficient evidence to move forward with their state case. The prosecutor stated that the information provided by the refugees did not raise the suspect’s actions to the level of culpable negligence necessary to support a charge of manslaughter. There was insufficient evidence that the boat was operated so recklessly that it caused another person’s death. The state also decided to not prosecute Barker for possessing a motor vessel with altered hull identification numbers. The case was closed in March with the case status of exceptionally cleared (elements beyond law enforcement’s control prevent the agency from arresting and formally charging the offender).

The case closing report identified that a Philadelphia Phillies baseball pitcher had witnessed the arrival of the aliens, but did not respond to several attempts to contact him at spring training for additional information. The pitcher was the first to contact law enforcement to report the alien landing. The failure of contact was also utilized to close the case.

Upon this state declination, the United States Attorney’s Office in Fort Pierce began evaluating other options such as culpable negligent homicide.



Alien Off-loading Location on Hutchinson Island

Writer 2023

## **The Journey from Haiti**

A month after the landing, USBP and MCSO investigators conducted second interviews of nine aliens to obtain additional information regarding the journey from Haiti to Florida. Eight aliens provided consistently false information that they sailed directly from Haiti to Florida in 8 days in a wooden sailboat. The sailboat may have been blue or red in color and may or may not have had a sail or engine for a 750 mile voyage. There was no clear or detailed description of the sailboat from any of the aliens. The eight aliens stated that they did not pay for the transportation, but donated money for food for the trip. They either walked or swam from the sailboat that could not be located during or after the landing. One of the aliens reportedly walked 10-15 minutes in the surf from the sailboat to reach the beach, a questionable statement with the depth of the surf and ocean. No one knew where the sailboat was at that time. The sailboat never stopped in the Bahamas.

Edmonde Jean-Baptist, the mother of victim Justin Jean-Baptiste, provided a different story. She and her children departed Haiti from Cap-Haitien in an unpainted sailboat. Sometime later, they arrived at another island people called Freeport. Approximately one day later, they boarded a second vessel matching the description of the one seized from Barker. The second vessel was captained by a white male, with possibly two other white males on board. Jean-Baptist did not know how many were on the motor vessel, but it was over-crowded. The trip from the island to Florida was approximately four hours. The boat ran dark without any lights for most of the journey.

As the vessel arrived at the Florida coast, the captain reportedly dropped off two females into the surf at a first location. They waded ashore. Approximately an hour later, the smuggling vessel arrived at a second location to off-load the remaining passengers on to Hutchinson Island. Jean-Baptist stated that she was too ill to stand or depart the vessel. She and her three children were reportedly the last aliens on the smuggling vessel. Another passenger took Justin Jean-Baptiste off the boat and carried him on his back in the ocean; the other carrying passenger reportedly lost control of Justin Jean-Baptiste into the surf when third alien grabbed hold of him to save herself and dislodged the child. The captain began revving the boat engines to apparently dislodge anyone else remaining on the vessel. The captain also struck her in the back once, but it was unknown if it was intentional. She finally departed the vessel into chest deep water and made it to shore with her two remaining children. When she arrived at the beach, she could not find her son.

Jean-Baptist was not able to provide additional information regarding the actual landing location. She did not believe that the seas were that rough. However, there was a strong undertow in the surf. She stated that the captain ordered the passengers off the vessel with profanity, but did not physically force anyone off the smuggling vessel.

### **Additional Voyage Details**

Four months after the alien landing, a newspaper article provided a more detailed description of the Haitian aliens' journey, alien smuggling venture by Barker and death of the four aliens. An interview of Edmonde Jean-Baptiste documented Barker's actions and how the aliens were smuggled into the United States from the Bahamas.

Jean-Baptist was from the hillside town of Bas-Limbe on the Limbe River near Cap-Haitien. The town was a collection of small concrete houses on poured slabs painted cheerful

Caribbean pastel colors in stark contrast of the living conditions. Her family's three room house was 17- by 15-foot with a leaking metal roof and screen less windows. A shower curtain functioned as the front door. The small house held up to 12 family members at times, but did not have running water. An outhouse was located several feet outside the backdoor. Jean-Baptist worked as street vendor in Cap-Haitien selling tomatoes, beans, biscuits and spices before her decision to depart Haiti.

She stated that she knew the risk and reward of the trip. Jean-Baptiste stated that her twin sister, brother and brother-in-law were reportedly lost at sea two months before her voyage to the Bahamas and Florida. Their overcrowded vessel reportedly sank. Their loss did not deter her plans to leave Haiti.

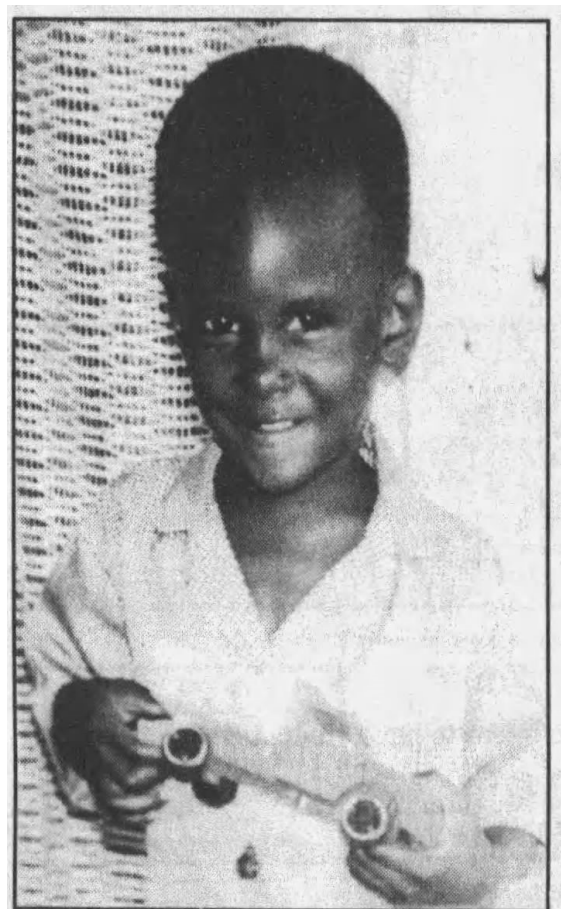
Jean-Baptiste explained that she and her three children hid in scrub brush on the Haitian coast with sixteen other Haitians waiting for a 34 foot fishing boat. The meeting location was secret to protect them from the Haitian military along with hundreds of others that may have attempted to board the boat. The boat designed for 10 people departed the coastline with the 20 paying passengers on board for the passage. The passengers were directed below deck into the cramped cabin for the long voyage. Jean-Baptiste's children were afraid and crying from the dark and confusing rough ride. There was no room to move. There was no toilet or running water. The stench was overwhelming from sea sickness, sweat, toilet buckets and poor ventilation.

Jean-Baptiste paid the smuggler \$1,200 for the 6 day journey to the Bahamas. The boat arrived at an isolated beach on Grand Bahamas Island. The captain ordered the passengers off of the boat. Jean-Baptiste thought she was in Florida, but learned that there was a second boat for the final leg to Florida. Within an hour, the passengers were transferred to a smaller and faster boat that was captained by a bald white man who did not speak Creole. Other Haitians were also placed on the second boat. Twenty-seven Haitians sat on the fiberglass deck of the go-fast boat. This open boat provided a dark bouncing ride with fresh air, a contrast from the experience of the first smuggling vessel. The go-fast boat was operated without lights; the captain used a flashlight to read the vessel instruments.

The boat slowed when the lights of tall buildings on the shoreline were observable from the boat. The captain instructed the passengers to jump from the vessel. Several men jumped into the water, but several women with children wanted to be closer to the beach. One of the male passengers took her son Justin upon his back and headed towards the beach. After the

hesitation, the other women jumped into the surf. Jean-Baptiste finally entered the water with her baby and five year old daughter. When she made it to the beach, Justin could not be found.

Hundreds of Haitians immigrants gathered a week after the landing at the Notre Dame D'Haiti Church in Miami's Little Haiti to mourn the loss of the four aliens. Justin was buried at Our Lady of Mercy Cemetery in Miami. The Jean-Baptiste family reportedly now lost four family members during alien smuggling ventures at sea between Haiti and the United States. Even with the tragic losses, Jean-Baptiste's sister in Bas-Limbe wished to attempt the trip with her children. According their brother in Haiti, "Dying in the sea or starving to death is not any different".



Staff photo/MICHAEL MALONE

Justin Jean-Baptiste was only 7 years old when he drowned off the coast of Martin County on Feb. 7.

Justin Jean-Baptiste

Sun Sentinel 06/12/94



Jean-Baptiste resided in Lauderdale Lakes with her brother and sister who had already entered the United States via alleged smuggling ventures. She was working as a hotel housekeeper and sending money to her parents in Bas-Limbe. No matter of the results of an immigration hearing, it was unlikely that she or her children would be deported back to Haiti.

When asked about Barker, Jean-Baptiste replied “I don’t have anything against him. We were afraid from the time we got on the boat from Haiti.”

### **Barker Indictment and Arrest**

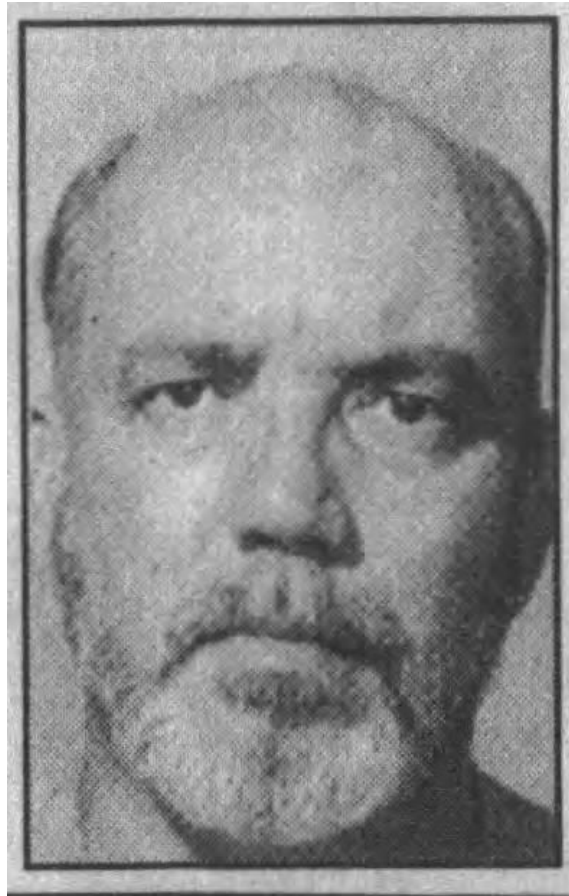
On February 24, 1994, Richard Barker was indicted by a federal grand jury in Fort Pierce for the smuggling of illegal aliens under 8 U.S.C. § 1324. It was not the most serious charge for someone to face due to the federal sentencing guidelines. Upon return of the true bill, USBP immediately requested USCS to assist in the location of Barker prior to his expected flight to the Bahamas to escape and evade prosecution. Within an hour, a USCS special agent located Barker at his parent’s residence on Amelia Street in West Palm Beach along with Ronald Barker and Angela Sizemore. With the assistance of responding marine enforcement officers, Barker was arrested in his driveway for the fresh federal indictment. It was an immense feeling to ensure his apprehension.

Barker’s elderly mother expressed her strong disapproval with the presence of the USCS special agent in her driveway arresting her youngest son – the baby. According to her, she was tired of seeing the same special agent harassing her family members. Although it was fairly close with her comments and behavior that day, she remained the only Barker Family member not arrested by USCS.

During his transportation to the USBP station in Riviera Beach and after receiving his constitutional rights, Barker twice uttered "they are going to make a Judas out of me for this". When asked what that meant by the USCS special agent, he declined to answer. Barker was not interviewed during his transportation by USCS. The USBP case agent was to conduct any interview of the prisoner. Barker later requested an attorney and did not wish to answer questions.

Barker was afforded his initial appearance in federal court in Fort Pierce the next day. He was detained for a subsequent detention hearing. During his bond hearing, the United States

Attorney's Office advised the court that Barker was well-known in the Haitian community as "Captain Jump Out." The nickname would appear in many future news stories and articles.



Richard Bennett Barker

Sun Sentinel 06/12/94

During his detention hearing a week later, Barker answered few questions from the judge. Barker stated that he was a commercial fisherman living in the Bahamas. He possessed no vehicle or real property other than \$3,000 that he had given to his wife upon his indictment and arrest. The federal prosecutor asked Barker some additional probing questions. Barker testified that he lived at his parent's West Palm Beach house when in the United States. He stated that he was not married, but lived with the mother of his daughter. Barker paid child support for his son from a former wife. Barker did not know who owned the vehicle he operated in the Bahamas or the boats he operated as a commercial fisherman. He did not know who owned the apartment that he rented for \$600 a month. When the prosecutor asked further questions, Barker told the

judge that he did not want to answer any more questions. The judge told him that he could remain silent.

The judge appointed a private attorney for Barker due to potential conflicts with other drug and alien smuggling cases being handled by the federal public defender's office in South Florida. Barker was held without bond as a flight risk and danger to the community. Ronald Barker and Angela Sizemore attended the hearing and accused the government of feeding the reporters a lot of lies about Richard Barker. They said he was a very compassionate person that could not hurt anyone.

Barker was indicted again on March 24, 1994 in federal court on four counts for the violation of misconduct or neglect of ship officers under 18 U.S.C. § 1115, an old and rarely used federal statute. It was also known as seaman's manslaughter, more often used in the time of steamships in the 1800s. The superseding indictment charged Barker with being the captain and pilot employed on a vessel where he did unlawfully by conduct, negligence and inattention to duty, cause the deaths of adults Ermanite Joseph and Rene Chauvette and juveniles Kenol Louis and Justin Jean Baptiste. A week later at his second arraignment, Barker remained detained for trial as a substantial flight risk and danger to the community despite the arguments of his new court appointed attorney.

### **A Noticeable Lull in Alien Smuggling**

The Barker Family was apparently pivotal in the smuggling of Haitian aliens from the Bahamas to South Florida. According to media reporting after the arrest of Richard Barker, no Haitian aliens had been caught illegally entering the South Florida for over a month. Caught may have been the key word, but there was a noticeable lull in alien smuggling.

USBP credited the alien landing drought partially on the weather but mainly on the arrest and detention of Barker. Federal prosecutors also credited the arrest and conviction of Barker associate Lockhardt. Bahamian authorities claimed to be keeping a closer eye on suspect marinas and increasing enforcement after the high-profile death of the four Haitian nationals in the surf off Hutchinson Island.

The Haitian American Community Center stated that the price of smuggling ventures had increased due to the recent arrests and prosecutions. The alien smugglers were reportedly

increasing their transportation fees as high as \$3,500 a person due to the greater than normal risk to their operations.

The next documented load of Haitian aliens would not be interdicted for over another month in April 1994 when 14 aliens were located in Manalapan – just north of Ocean Ridge and the Boynton Inlet. Someone apparently filled the void left by Barker. The aliens were dropped into the surf under the cover of darkness. USBP suspected that the unidentified smuggling vessel either returned to the Bahamas or entered through the Boynton Inlet.

Even though the alien smuggling slowed for a time period, United States and Bahamian officials discussed the assignment of INS and USBP law enforcement personnel in the Bahamas to address the alien smuggling ventures and associated deaths. The agreement became more time sensitive with the arrival of 411 illegal aliens in one week of April 1994 and two different smuggling ventures involving deaths, to include the Hutchinson Island landing. USCS, USCG and DEA were already in the Bahamas for years to combat narcotic smuggling, but the immigration agencies would focus on the different world of alien and human smuggling. The INS and USBP investigators would be temporarily assigned in the Bahamas from Florida for 60 to 90 days under a new agreement to gather intelligence and share information.

The surprising pause in Haitian alien smuggling may have been a combination of several influences, but taking Barker out of the game was likely the most significant one.

## **The Murder of Sizemore**

Angela Sizemore moved to her mother's residence in Georgia, with her five year old daughter, after Richard Barker's arrest and detention for the deadly alien smuggling trip. On the same day of Barker's superseding indictment for the death of the four Haitians, Angela Sizemore was murdered in East Albany, Georgia. She was found dead in the front seat of the Barker Family white Chevrolet Suburban with multiple stab wounds and other disturbing physical injuries on March 24, 1994. Marcus Ray Johnson, a local resident, was charged with her murder, rape and robbery.

Subsequent investigation revealed that Richard Barker allegedly smuggled approximately 15 pounds of marijuana into the United States from the Bahamas on February 7, 1994 with the 27 Haitian aliens. A confidential informant received information that Barker reportedly delivered the marijuana to an unidentified location after delivering the illegal aliens into the

rough ocean surf and prior to clearing customs. Barker may have met a wave runner type of personal water craft near shore to transfer the marijuana on his way to Sailfish Marina so he could clear without any contraband. This was reportedly one of his methods of drug smuggling evade law enforcement.

According to a confidential informant, Sizemore reportedly delivered approximately 3 to 4 pounds of the smuggled marijuana to a subject in Georgia prior to her murder. She was reportedly paid \$3,000 for the narcotics. The confidential informant indicated that Barker and Sizemore were involved in narcotic and alien smuggling for an extended period of time prior to the arrest of Barker.

Johnson was convicted of malice murder, felony murder, aggravated assault, rape and aggravated battery in 1998. The trial jury recommended the death sentence as a result of four specific statutory aggravating circumstances. The court sentenced Johnson to death. The conviction was appealed to the Supreme Court of Georgia for numerous alleged errors and points of law. The high court addressed all of the defendant's claims and affirmed the death sentence in 1999. Johnson filed various court cases on the state and federal levels that were unsuccessful. Johnson filed three petitions for writ of certiorari in the United States Supreme Court, which were denied in 2000, 2006 and 2011.

In the supplemental application for a stay of execution and/or commutation of his sentence of death, Johnson's attorneys claimed that Sizemore's common law husband Richard Barker owed money to drug dealers in Florida and that she sold marijuana which could have led to her murder. The application detailed the alleged sale of marijuana by Sizemore on the night of her death. The marijuana was reportedly being sold to obtain funds for her husband's legal fees. It was alleged that Sizemore transported marijuana to Georgia on three occasions before her death. Three witnesses alleged that they observed or assisted in the loading of marijuana in Sizemore's vehicle for transportation from Florida to Georgia.

Johnson came within hours of being put to death in 2011 when a county judge stopped the scheduled execution to allow time to analyze evidence that had just been discovered in a box at police headquarters. The additional testing did not clear Johnson but instead incriminated him even more for the crimes.

The United States Supreme Court denied Johnson's final application for a stay of execution. He was executed on November 19, 2015. He was the fourth execution that year after



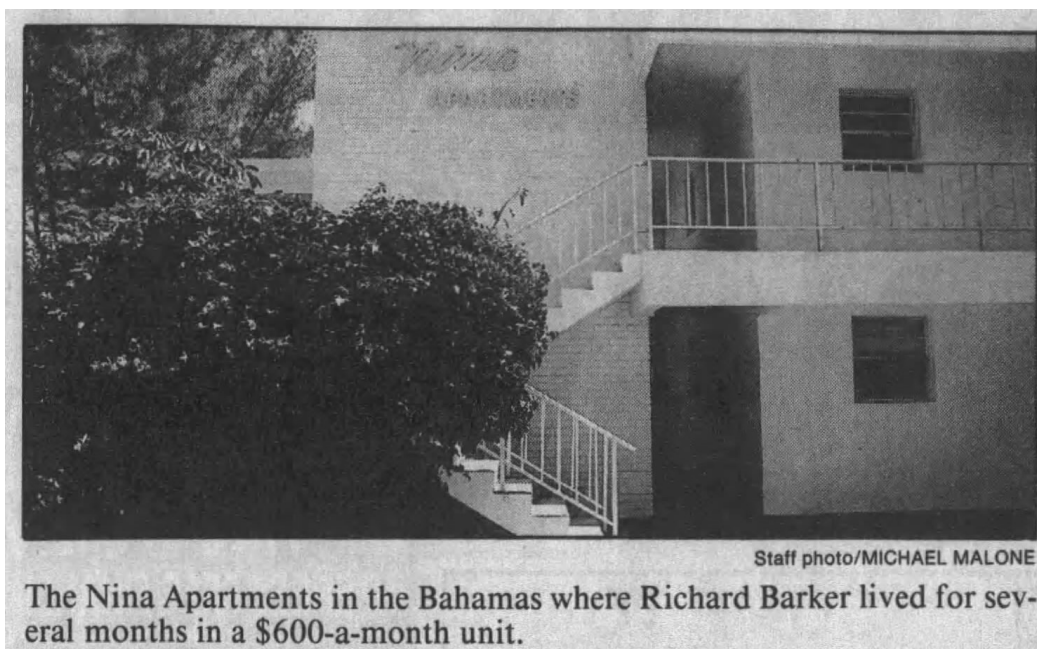
the lethal injection drug issues were resolved by the state. Sizemore's daughter, 26 years old at the time, witnessed the execution of her mother's killer. Johnson did not make any final statement or look at any of the witnesses. He was pronounced dead at 10:11 p.m. after the 27 minute execution.

At the time of the execution, Richard Barker was serving a life sentence in a federal prison in Georgia – a subject to be discussed later.

### **Other Points of View**

After Barker's arrest, a newspaper published the article titled "Captain Jump-Out labeled a complex man" which presented a different perspective of Richard Barker's personality and alien smuggling ventures. His description ranged from being a gentleman to a scammer who never worked a day in his life. Barker was known as Rick, Ricky or the white man who could smuggle aliens to Florida. He most definitely interacted with an interesting group in the Bahamas.

Barker's landlord in the Bahamas, Austin Roberts, was interviewed by the reporter. Roberts stated that he had known Barker for years, but knew nothing about Haitian smuggling from his apartment complex. However, a maintenance man and one of Roberts' other tenants claimed to have seen Haitians being loaded into boats at the docks many times. Roberts stated that Barker had been traveling back and forth a lot to Florida. There was more to Barker's relationship with Austin Roberts and their histories. According to a confidential informant, Roberts was allegedly a source of marijuana and cocaine stored on Andros Island.



The Nina Apartments in the Bahamas where Richard Barker lived for several months in a \$600-a-month unit.

### Bahamian Apartment

Sun Sentinel 06/12/94

A Haitian woman described to the reporter a previous Barker alien smuggling venture where some of the aliens refused to jump into the ocean during the off-loading at Palm Beach. The aliens were returned to Freeport where Barker retained the \$1,000 smuggling fee, but subsequently provided some money to them to purchase food.

In another newspaper article, the journey from Haiti through the Bahamas to Florida was detailed through several interviews, including from Barker. From jail, Barker stated that he was only a fisherman making a new life for himself and his family in the Bahamas. He stated that he was fishing his way and being one with the sea. According to the owner of the Rum Runners bar at Port Lucaya, Barker talked a lot about fishing and boats, but never said much about his business.

There was no doubt about his business among Haitians in the Freeport area. One Haitian woman described the night that she and her four children boarded Barker's boat for the trip to Florida along with 30 other Haitians. When in sight of the Florida coast, Barker instructed them to jump and swim. The mother and others begged for Barker to get closer to the beach, but he refused. According to the woman, if Barker's wife had not been on the boat at the time, Barker

would have forced them to jump. The Haitians that refused to jump were returned to the Bahamas. After the failed delivery, the mother still thought Barker was a good person.

A Haitian man stated that he paid Barker \$2,000 to be smuggled from Freeport to Florida. On the night of the planned smuggling venture, the Haitian man went to the dock behind Barker's apartment to board the boat. When the man saw almost 30 people already on the boat, he chose to not get aboard fearing for his safety. The boat left without him and he reportedly never received a refund from Barker.

Another Haitian woman stated that she paid \$1,200 for transportation to Florida. She was told to wait by a bush. She was later told to run because the police were coming. She never received transportation or a refund.

When asked why Haitians continued to deal with Barker, a man said "He always gives them hope he will take them to the states. If a smuggler organizes one successful trip, 10,000 people will rely on him to take them to the U.S." The reporter showed another four Haitians a photograph of Barker. All of them identified him as someone they could trust to smuggle them to Florida. There were apparently not many other options than Barker for the last leg of the journey from Haiti to the United States.

## **The Not So Innocent Landlord**

Austin Roberts had apparently known Richard Barker for many years. According to a confidential informant, Barker and Roberts were allegedly involved narcotic smuggling together in 1993 with a common motor vessel. The pair was allegedly utilizing a black 42 foot Midnight Express motor vessel with three engines to transport narcotics from Andros Island to Freeport in the dark of night. Barker reportedly requested Robert Lee Geans to travel to the Bahamas to inspect and repair the motor vessel for narcotic smuggling ventures. Geans had been documented numerous times traveling to the Bahamas, reportedly to meet with Barker.

Roberts was no stranger to law enforcement in Florida. Roberts, a longtime resident of Freeport, Bahamas, was identified as the source of supply for cocaine in a 1986 case in central Florida. A former Orange County third grade teacher was accused of organizing a ring that utilized couriers that body carried narcotics while returning from the Bahamas on airplanes and cruise ships in 1985 and 1986. The female teacher received a 20 year federal prison sentence. Roberts was allegedly the source of supply for the narcotics.

After Robert's arraignment and the posting of bail for \$300,000, the government oddly returned his passport and permitted him to return to the Bahamas; he was to telephonically report to federal probation officials pending his trial. Roberts, who failed to appear for trial while free on bond, was convicted on three federal narcotic charges in absentia. A federal arrest warrant was issued for Roberts to initiate his extradition from the Bahamas. Roberts' name would continue to appear in other drug smuggling investigations over the years.

Giving up the hunt and likely cleaning up old fugitive case files, the United States Attorney's Office dismissed the charges without prejudice against long-term fugitive Roberts in 2022. The government documented that the 87 year old had been located in the Bahamas in 2009 and 2021, but was deemed by the government to not be extraditable. The court request also identified another drug importation case against Roberts in 1987 that was dismissed in 2004. Like many others, he waited them out and won.

### **Change of Reporting Requirements**

Unfortunately for law enforcement and customs enforcement activities, USCS changed the small boat reporting requirements for South Florida in May 1994. The regulations, that likely encouraged Richard Barker to report his return to the United States after the alien smuggling load, were relaxed just months later. The federal government ruled that the procedural requirements had been proven cumbersome and inconvenient for the general public. The marine border entries from the Sebastian Inlet through the Florida Keys to Lee County on the west coast no longer had to report to one of the 28 USCS official reporting stations. The previous requirement assisted in focusing resources and identifying targets.

The internationally traveling small vessel was now only required to call one of three toll free telephone numbers from the location their choosing. The new requirement was for any vessel less than 5 tons and any private pleasure vessel regardless of displacement. Even though the vessel master or owner was the only one permitted to depart the vessel to make the report and all other must remain on board until clearance was granted, smugglers would likely not adhere to this expanded authorization. Alien, narcotics and other contraband would likely be unloaded prior to the Customs call and any possible response to the location for a proper border inspection. It was back to the bad old days.



Customs Reporting Sign

Writer 2023

The failure to report still could result in a civil penalty of \$5,000 if the government found out about the violation – something much more difficult to identify and document after the regulation change. The civil penalty, subject to significant mitigation, would remain a small possible cost as compared to the profits from the smuggling venture. At least the unhelpful change was announced after the critical reporting by Barker at Sailfish Marina.

### **The Federal Trial of Barker**

Prior to his trial, Richard Barker offered to plead guilty to the alien smuggling charges if the government dropped the homicide charges. The offer was denied. The smuggling trial for Barker was held at the federal court house in West Palm Beach before Judge Edward B. Davis. It began early on August 22, 1994. The lead Assistant United States Attorney (AUSA) was Thomas A. Blair, who was exceedingly respected and famous in South Florida for rarely accepting plea bargains for his many cases. If AUSA Blair indicted someone, those were the charges they pled to or fought in court unless there was a tremendously compelling reason for him to change his stance. He was not a fan of plea bargains, something that drove defense attorneys crazy as well as his federal supervisors at times. Barker was represented by appointed counsel Carlos Llorente, a very competent Miami based attorney.

Prior to the trial beginning, attorney Llorente explained that his defense strategy was that Barker was not the captain of the motor vessel that smuggled the aliens into the United States from the Bahamas. Llorente said that his investigation had been very fruitful and that there



would be some surprises during the trial. The media speculated that AUSA Blair may call Vernon Lockhardt to testify about Barker's involvement in another alien smuggling load that landed Lockhardt in prison, even though Barker was never prosecuted for it.

During the trial, Barker continued to profess his complete innocence. One of the smuggled aliens, who previously identified Barker from a photographic lineup as the boat captain, could not point him out in the court room during the trial. Barker was sitting clearly at the defense table with a haircut, trimmed mustache, half-moon glasses and an extra 20 or so pounds. The failure to identify Barker supported the defense by Llorente of mistaken identity. USCS and USBP investigators testified that Barker had changed in appearance since the alien smuggling night. He was now clean cut in his blue suit and the lack of cigarettes in jail did not help his waistline.

Two other aliens identified Barker and provided heart wrenching testimony of the off-loading of the passengers and the drowning of the adults and children. One witness relived the night with Barker ordering them to jump out into the deep surf and the screams for help. The witness explained how a child fell out of his arms and was lost in the waves. At the end of the testimony, the witness identified Barker as the boat captain and stated that they called him "Capitaine Sauter" or "Captain Jump Off".

USCS and USBP investigators provided testimony about the customs entry inspection, alien landings, four deaths, go-fast hull painting and many other aspects of the joint investigation. The testimony addressed other aspects of the investigation and information that the investigators had received about Richard Barker – when the objections were overruled by the judge.

AUSA Blair intended to introduce the electronic navigational GPS device that Barker had sold to a pawn shop the day before his arrest by USCS. After investigators had located, retrieved and analyzed the device during the investigation, a navigational history was identified showing almost the exact location near Joe's Point on Hutchinson Island where the aliens were off-loaded from the motor vessel. The judge ruled that the GPS device was inadmissible because the prosecutors reportedly never informed Attorney Llorente of its existence. Attorney Llorente also objected to and blocked its entry into the evidence since the prosecution could not prove that Barker had actually programmed the pawned unit. The defense attorney requested a mistrial for which the judge denied. The jury was instructed to not consider the existence of the GPS device; it was unknown if that was really possible or the affect it may have had on the jury.

Attorney Llorente presented two witnesses for the defense. The first witness was a private investigator who testified about USCS records and procedures. The second witness was a paralegal who explained how long it took to travel between Florida and the Bahamas on Llorente's 33 foot boat. AUSA Blair objected since Barker's boat was smaller than the attorney's boat. Barker did not take the stand. Llorente then rested his case with the continuation of the mistaken identity defense.

In a strong and moving closing argument, AUSA Blair stressed Barker's negligence during the alien smuggling venture. Barker delivered the aliens into the sea without asking if they could swim or providing them with personal floatation devices or life preservers. AUSA Blair utilized two adult and two child life preservers during the closing argument to demonstrate that the investment of five dollars each could have saved the four lives. Barker charged the transportation fees, but did not take the time to provide the inexpensive life-savers. There were many tearful jurors staring at the four empty bright orange life preservers sitting on the rail of the jury box.



At the end of the trial, the jurors were advised to consider only eight charges of the 32 count indictment. Judge Davis dismissed the other charges when the government failed to prove that 24 of the 27 Haitians were illegal aliens. The charges for the three Haitian alien witnesses

present in court remained for consideration. This surprise decision left one conspiracy count, three alien smuggling counts and four negligent homicide counts for the jury.

The jury of seven men and five women deliberated for six hours after the three day trial. Barker was convicted on August 25, 1994 for all of the remaining counts. Barker sat emotionless, peering over his reading glasses, as the guilty verdicts were read. His defense attorney promised to appeal the verdict for several points to include the attempted introduction of GPS device.

### **Sentencing of Barker**

Richard Barker returned to the federal court house for his sentencing on October 28, 1994. During the sentencing, Barker reversed his trial position and admitted that he did in fact smuggle the Haitian aliens and caused the four deaths. Barker maintained in court that he backed up the motor vessel twice to deliver the aliens closer to the beach. He claimed that he was paid for the smuggling venture, but did it at cost. Barker stated that if he had even the most remote idea that anything like this would have happened, he would not have done it. He told Judge Davis that he would think about those kids every day of his life. For those in the audience, the confession was way too little and much too late.

In a detailed letter to the court to consider for his sentencing, Barker provided his version of events. Barker stated that after arriving at the off-loading location on Hutchinson Island that fateful night, he turned his boat around so the bow faced away from the shoreline after touching bottom. The first two aliens overboard reportedly held the stern of the boat in chest-high water to prevent the boat from entering the surf. Barker stayed at the console to control the boat. Barker stated that pandemonium ensued when the aliens started jumping off the boat. He observed them wading and swimming to the beach and did not observe any of them in distress.

Barker stated that when all of the aliens had departed his boat he required assistance from two aliens in freeing his two embedded outboard engines from the ocean sand. Barker wrote that he still did not know what happened to the four aliens that perished that night. Everything had seemed normal to him. He alluded to previous alien smuggling ventures that did not end so tragically. Barker tried to sell that his smuggling operation was no high dollar, big profit organization. It was simply people helping people according to his five page letter. Barker stated “I sincerely did it for a cause, not for a profit deal”. Barker added “What happened that night was a tragic, unfortunate accident whose phantoms will stay with me forever”. Barker

ended with “As for myself, I have only one consoling thought – that somewhere out there are some people who today, because of my efforts, have a better life” – a real humanitarian.

AUSA Blair stated to the court that all you have to do is see the faces of these two children to understand the true outcome of Barker’s actions. Richard Barker was sentenced to 46 months in federal prison for the smuggling of Haitian aliens and the death of the two adults and two children. Thanks to the great efforts of the extremely diligent AUSA Blair, this sentence was an upward departure from the federal sentencing guidelines of 30 to 37 months of incarceration. He also received a \$400 fine and three years of supervised release.

During the sentencing, Judge Davis stated:

“Even though the children were vulnerable victims, I am making only a two level upward adjustment in the sentence because I think that is what I am limited to by the Sentencing Guidelines. That increases the applicable sentencing range from 30 to 37 months to 37 to 46 months.

I still find this to be an inadequate penalty when an action which I find to be reckless causes four deaths. But this is what Congress and the Sentencing Commission have determined to be the limit of my ability to sentence and to punish for that conduct.

You are hereby committed to the custody of the Bureau of Prisons for a term of 46 months.”

Barker received eight months credit for time served for his detention pending trial. His defense attorney promised to appeal the sentence along with his conviction.

## **Expanded Federal Law**

According to the United States Attorney’s Office for the Southern District of Florida, the relatively short sentence for Richard Barker for the four alien smuggling deaths, along with other significant cases from around the nation, reportedly influenced changes in federal law and sentencing guidelines for future deaths during alien smuggling ventures. The Attorney General of the United States was personally briefed on the Barker prosecution and strongly supported the overall efforts to enhance the sentencing guidelines.

The Violent Crime Control and Law Enforcement Act, also known as the 1994 crime bill, was signed by the president in September 1994. The new law expanded the federal crimes by 60 that were punishable by death. Added to the list was alien smuggling where deaths result also known as murder in the course of alien smuggling. The new law brought earlier statutes into compliance with U.S. Supreme Court rulings and addressed legal conflicts created by case law.

The sentencing guidelines for alien smuggling were also increased up to 10 years in prison by the 1994 crime bill. If the smuggler causes serious bodily injury or places in jeopardy the life of any person, the smuggler can be imprisoned for up to 20 years. The act also increased the penalties for assault within a maritime or territorial jurisdiction.

Even with the enhanced federal laws and sentencing guidelines, alien smugglers often received sentences much closer to the minimum than maximum according to the United States Sentencing Commission. The majority of alien smugglers (87 percent) were sentenced to prison in 2016, but the average sentence was only 16 months. The average sentence and the average guideline minimum for alien smuggling offenses remained constant between 2012 and 2016.

Although some alien smuggling offenses did carry mandatory minimum penalties, most alien smuggling offenders (99 percent) were not convicted of an offense carrying a mandatory minimum penalty. One or more aliens died in only one percent of alien smuggling cases in 2016. Notwithstanding the legal and sentencing enhancements, the average penalty for alien smuggling without injury or death remained rather nominal for the crime over the years since the passage of the act.

## **Reactions to the Barker Sentence**

As a result of the Barker investigation and its broad media attention, the USCS special agent in charge and deputy special agent in charge (number two for the important and prestigious office) for the South Florida field office in Miami requested a briefing on the Barker case. Uncharacteristically, the two senior leaders travelled north from Miami to the modest USCS West Palm Beach office to meet with the resident agent in charge, group supervisor and case agent.

The case briefing was provided to the pair by the case agent. At the conclusion of the approximately 30 minute presentation of the successful investigation, the two senior leaders



responded in a negative and rather unexpected fashion. They were not impressed with the case and the arrest of the long-term smuggling coordinator, even with the positive impact on future prosecutions, federal sentencing guidelines and media reporting.

The special agent in charge made it painfully clear that USCS resources shall not be utilized in the investigation and interdiction of alien smugglers, even with commingled drug loads. The case agent was clearly and forcefully advised that if he wished to continue to conduct these investigations, he should leave USCS and join INS. With the strong pride that many USCS investigators possessed at the time for their smuggling investigations and unique authorities, this was a seismic and distressing statement for the case agent and the entire office. Treasury agents were very proud at the time. It was an interaction that the case agent and group supervisor remember well even today.

This unanticipated career advice or direction would later come to fruition in 2003 when the USCS was dismantled and its Office of Investigations was merged with the INS investigators into the new Department of Homeland Security (DHS) agency U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI). All the USCS investigators joined with INS investigators along with three other former agencies or organizations. The three other agencies, to include USCS Air and Marine Operations, would be later transferred to other DHS agencies for better alignment and improved operations. After 2003, one agency formally investigated both contraband and human smuggling at the same time. The logic or success of the merger remains a serious subject of debate, but there was one agency for the investigative mission.

Decades later in 2016, the same shocked case agent would end up retiring as the acting special agent in charge for the prominent HSI (legacy USCS) field office in Miami – with the responsibility to ensure that investigations focused on all types and methods of narcotic and alien smuggling. It is strange how things work out.

## **Expanded Media Attention**

Due to the seriousness of the four alien deaths and colorful smuggling history of the Barker Family, South Florida newspapers began publishing more in-depth articles on the family and the smuggling of aliens and narcotics. The more interesting stories were picked up by the Associated Press for nationwide publication. The articles focused on the family activities in the 1990s with limited references to some of their known arrests in the 1980s. Their entire history

was hidden in a world of microfiche and articles archived in other parts of the country leaving out much of the 1970s and early 1980s.

The Barker Family 1990s cases also attracted interest by entertainment television series such as Arrest & Trial and U.S. Customs Classified. In 1995, director/writer/producer Steven J. Cannell and Grab Productions developed and produced a television series called U.S. Customs Classified. In October 1995, an episode recreated the narcotic and alien smuggling ventures and prosecutions involving the Barker Family. The popular episode was able to illustrate the horror of the alien smuggling off-load and other Barker Family activities.





The Trip to Florida

U.S. Customs Classified



Smuggling Motor Vessel Inspection

U.S. Customs Classified

## Continued Smuggling Allegations

USCS investigators continued to investigate allegations of narcotic, alien and other smuggling by subjects linked to the Barker Family. The analysis of foreign travel, telephone toll records, financial records, surveillance and confidential informant information indicated continued suspicious activities. Richard Barker allegedly continued to be involved in the activities from his prison cell, along with Ronald Barker, as indicated by numerous telephone calls to and from him involving other known suspects and organizations.

Through telephone toll analysis, Ronald Barker was reportedly communicating with Bahamian Venable Rolle from the Barker Family residence. Rolle was allegedly involved in narcotic and alien smuggling at the time. Rolle was allegedly arrested in 1985 in the Bahamas for cocaine smuggling. Rolle was also a fugitive at the time for a 1987 cocaine trafficking case involving 14 arrests in Fort Lauderdale. The organization reportedly smuggled cocaine from the Bahamas concealed within motor vessels. The boats were transported on trailers to a car dealership in Fort Lauderdale where they were off-loaded. The cocaine was then concealed within the doors and bumpers of luxury vehicles that were driven to Philadelphia for distribution. In 1994, a 24 foot Sun Rider open haul motor vessel owned by Venable Rolle, Fortune Bay, Freeport, Bahama, was in forfeiture proceedings with the Delray Beach Police Department. Tired of waiting and likely wanting to clean up their files, the government would end the pursuit of Rolle in 2008 with a dismissal of the 1987 drug charges.

Other USCS offices in Florida continued to receive information that both Barkers were allegedly involved in or associated with narcotic and alien smuggling while Richard Barker was in detention. The smuggling also allegedly involved monetary instruments from Panama. The amount of telephone calls and travel to Panama associated with Ronald Barker re-enforced the accusations by confidential sources.

The smuggling was not limited to inbound contraband from the Bahamas. Confidential informant information indicated that suspects were also smuggling currency and merchandise, such as home and marine electronics, into the Bahamas from the United States to evade their high customs duties. The merchandise was purchased for \$45,000 by the smugglers in Florida. An anonymous telephonic tip was shared by a USCS special agent with Bahamian Customs officials for a specific outbound voyage from Lantana. For operational security, the agent could not officially contact Bahamian officials due to unofficial associations with smugglers.



Smuggling Motor Vessel

Writer 1994

In December 1994, a Barker Family associated motor vessel was stopped and inspected by Bahamian Customs officials at the RBDF station in Coral Harbour, New Providence, Bahamas. The suspect motor vessel was detained by Bahamian Customs for the failure to clear customs and smuggling unreported cargo to evade duties and taxes pending a \$100,000 fine\penalty.

A confidential informant alleged that an official check for a \$30,000 payment was delivered during business hours and another payment after-hours for \$30,000 in cash was delivered by the suspects resulting in the release of the motor vessel to resume activities. In addition to the \$60,000 payment, the suspects reportedly paid an additional \$1,500 in duties and \$2,500 in penalties for the general smuggling venture. Upon release, the motor vessel was immediately put back into service by the smugglers.

The captain of the interdicted motor vessel directly blamed the same annoying USCS special agent for the anonymous tip to Bahamian authorities. The accusation was correct. The



special agent's name was well-known and the smugglers were reportedly gathering intelligence on the investigator. However with the assistance of a confidential informant, the blame was successfully redirected to the poor operational security within their organization and recent anti-corruption efforts in the Bahamas. Several RBDF members, at the Coral Harbour Station associated with the smugglers, had been recently terminated from their employment due to alleged corruption. The removal of the Bahamian personnel permitted a broadening of the blame. But they still always wondered for years and continued asking uncomfortable questions.

## **Mole Hunting**

After several successful interdictions, arrests and prosecutions, members and associates of the Barker Family expanded their search for leaks within the organization. The smugglers learned a little from the James Bond author Ian Fleming: Once is happenstance; twice is a coincidence; three times is enemy action – also known as a confidential informant. Several of the remaining smuggling group members started looking harder for a leak.

One of the more senior smugglers was reportedly telling everyone that he thought that he identified the snitch. If confirmed, the confidential informant would be severely punished for assisting USCS and other law enforcement authorities. The elder smuggler apparently identified the possible confidential informant through analysis of the previous arrests and seizures against the group and information obtained from USCS through Freedom of Information Act (FOIA) requests. He leveraged the public records requests to connect the dots in 1996. Unfortunately, a special agent thought to handling one or more confidential informants or sources of information was not aware of the release of documents from his case files through the FOIA requests via USCS headquarters. It was very important to know.

Once a possible mole was identified through a process of elimination, the smuggler reportedly burglarized the associate's unoccupied residence. During breaking and entering and search of the residence, the smuggler reportedly located a business card for the troublesome USCS special agent inside a locked safe. The investigator actively shared his business card with many in search of sources of information or disgruntled smugglers – you order them by the thousand. The business card and other gathered information further persuaded the smuggler that the accused associate was an USCS snitch. Snitch or not, it did not build trust within the organization.

Not long after the break-in, the USCS special agent received various pages to unknown telephone numbers. One of the numbers asked to speak with the suspected smuggling group

associate by name for which the agent stated that the person had the wrong pager number. The smuggler later reportedly threatened the associate during a one on one private meeting. The associate immediately relocated from the area due to the perceived threats. The group paranoia and mole hunting greatly affected the investigation of the remaining members and improved their operational security. There was a reduction in their coffee shop talk.

Subsequent investigation indicated that the smuggler and mole hunter, that identified the pager number, allegedly cloned the telephone number to receive the same electronically transmitted information (an unofficial and completely illegal wiretap). Through surveillance and telephone toll analysis, USCS investigators knew that the smugglers had access to a small storefront company in Lantana that provided telephone pager service for the same carrier service as the agent. According to a confidential informant, the organization allegedly cloned the pager number or at least received the same transmitted signals. They reportedly observed suspicious telephone numbers that paged the USCS special agent numerous times further confirming their suspicious of possible associations. During that time period, others that paged the USCS special agent received unexpected calls asking unusual questions.

The USCS special agent, accompanied by other local and federal narcotic task force investigators, visited the small pager business to inquire about the strange happenings. The investigators were able to explain the seriousness of the allegations and possible legal consequences if true. The owner claimed to have no knowledge of any improper activities. The USCS special agent changed his pager number and any alleged unlawful intercepts ostensibly ended.

## **The Missing Airdrop**

While Richard Barker was detained in legal proceedings for the alien smuggling case, his associates remained busy with alleged narcotic and alien smuggling activities. Austin Roberts, his former landlord, allegedly lost a cocaine load in Bahamian waters in 1994. According to a confidential informant, Roberts was reportedly expecting a 220 kilogram cocaine load transported from Colombia by a Lantana Airport based twin engine aircraft. The narcotics were concealed within plastic pipes inside of approximately six weighted and water proof blue duffle bags. The load was reportedly dropped into the ocean by the two pilots when the aircraft experienced mechanical or fuel difficulties. The empty aircraft was able to land in Freeport, safe for a customs inspection.

Roberts reportedly contacted Geans and two other Barker associates to locate and retrieve the missing load from the ocean floor. All three possessed marine salvage experience. The drugs were reportedly in 15 to 20 feet of water near Matanilla Shoal approximately 15 miles north of Memory Rock, Little Bahama Bank. Roberts possessed the LORAN-C position coordinates for the airdrop. It later turned out that the pilots provided incorrect coordinates to prohibit Roberts from recovering the cocaine by himself. The pilots reportedly also contacted Geans and the two associates to recover the load with the correct coordinates. Geans was reportedly offered half of the load as payment, but the other associates intended to retain a larger portion.

The two associates, without Geans who was in jail at the time, travelled at least twice to the Bahamas to search the area for the missing duffle bags. It was reported that the load may have been located and divers were hired to retrieve them – indicating a deeper seafloor and seagrass. It was claimed that half of the cocaine was found. However, it was unknown if any of the missing load was truly recovered by anyone or lost to the sea.

## **Release of Barker**

Richard Barker was released from federal prison in Fort Dix, New Jersey on June 27, 1997 after less than four years to begin his three years of federal supervised release. He received a small reduction in this sentence for good behavior from federal prison. He returned home to Palm Beach County and allegedly resumed his previous criminal activities in South Florida and the Bahamas.

After a reported positive urine test for cocaine and his extremely strong dislike of any federal supervision of his activities, Barker later fled to the Bahamas resulting in a federal arrest warrant being issued for absconding from his supervised release on August 14, 1997. As told by a Barker family member, Barker's last communication with his parole officer was from his boat. He told his federal overseer that he was not much interested in coming in for any more meetings and ceremoniously threw the cellular telephone into the ocean. He then reportedly gunned the boat's motors pointing east towards the Bahamas.

Information and intelligence continued to indicate that Barker persisted with his smuggling activities as a fugitive in the Bahamas under alias names. USCS investigators in Florida coordinated with USCS and DEA investigators stationed in the Bahamas in an attempt to locate, arrest and extradite Barker back to the United States for the probation violation with

negative results. Their Bahamian law enforcement partners were not able or willing to find the infamous smuggler in Freeport.

### **Undercover Meeting for Cocaine Transfer**

In October 1998, a USCS marine enforcement officer received information that Richard Barker was looking for a crew and motor vessel to meet him in international waters to receive and transport 500 kilograms of cocaine from the Bahamas to Florida. Through extensive investigation and coordination, an undercover transfer was coordinated with Barker and his associates. Undercover USCS marine enforcement officers and special agents became the smugglers for the last and most dangerous leg of the cocaine smuggling venture for the promise of \$200,000 in transportation fees – and the opportunity to arrest fugitive Barker.

A midnight at-sea rendezvous was scheduled with Barker off of the Bahamas. The undercover USCS investigators and a DEA special agent, utilizing an undercover USCS 53 foot Hatteras yacht/sportfish motor vessel, travelled to the designated meeting coordinates in international waters to meet Barker and others with negative results. The suspects appeared, but did not have the cocaine for the transfer. It could have been a test. The meeting was rescheduled for the next night, but later cancelled due to rough seas.



A 53 Hatteras Yacht/Sportfish

[www.tampayachtsales.com/boat/1979/hatteras/53-convertible/2774550](http://www.tampayachtsales.com/boat/1979/hatteras/53-convertible/2774550)

Benny King Darby, also known as Blondie, was sent from the Bahamas to Florida to assist in the importation of the cocaine. Darby provided a confidential informant with the new coordinates for an at-sea transfer. Darby coordinated the receipt of the cocaine in Florida from the undercover agents.

On the next night, the undercover USCS and DEA investigators travelled to a new meeting location in international waters near the Bahamas and met Barker and his associates. The at-sea transfer almost did not occur when the undercover USCS captain refused to illuminate the interior cabin lights for a visual inspection by Barker prior to the transfer of the cocaine. Barker was experienced enough to ask. The undercover USCS captain was experienced enough to refuse the request as a drug smuggler in a hurry. If the cabin lights were to be turned on, the take-down team could have been observed by Barker and his associates canceling the transfer operation. The undercover USCS captain threatened to return to Florida rather than agreeing to Barker's demands for visual inspection of the undercover motor vessel.

After a short disagreement and stand-off period, Barker agreed to transfer the large cocaine shipment. Time was money and this was an extended period out in the open to be observed by law enforcement or ripped-off by another criminal organization. Barker tied his 35 foot go-fast boat to the deck rail, not a cleat, of the undercover motor vessel and started transferring the 500 kilograms of cocaine to the undercover deck in the dark choppy waters. Two suspects jumped onto the deck of the undercover sport fisher to receive the cocaine from the Barker go-fast. Once approximately half of the cocaine was transferred to the undercover motor vessel, the take-down team swiftly exited the darkened cabin to arrest the suspects and seize the narcotics in the confined space.

During the rapid take-down, seven shots were fired at a Bahamian suspect with a firearm that remained on Barker's go-fast boat. Barker immediately dropped to the deck at his center console steering wheel ducking flying fiberglass shards and reached up to push the throttles to full power. One of the transfer suspects instantly jumped back into Barker's high revving boat. After some intense tugging and bumping, his motor vessel broke free and quickly escaped the scene with the undercover motor vessel aluminum deck railing ripped away and surfing behind his boat towards the Bahamas. The unidentified armed Bahamian suspect was reportedly shot in the rear of his upper leg resulting in a noticeable limp for the rest of his life. The wounded suspect was never fully identified for prosecution.



A fourth suspect, James Robert Martin, from Barker's motor vessel was on the deck of the undercover motor vessel at the time of the take-down. The suspect attempted to quickly jump back into the Barker go-fast to get away from the emerging take-down team. Barker's boat was no longer there at the time and he ended up landing in the very dark and rough ocean water. Even during this stressful time, Martin looked like the coyote running off a cliff in a roadrunner cartoon – strange what runs through a mind at such times.

While attempting to locate and arrest Martin in the ocean seconds after the shooting incident with Barker's motor vessel still fleeing the area, a shot was fired into the water in the area of the floating suspect. In the immediate confusion of the evolving situation, it appeared that the suspect was armed with his hands disappearing in and out of sight in the water. Thanks to the strong and regular tactical training and discipline of the investigators, no additional shots were fired at or near the floating suspect during this very tense time on a rocking boat with sliding kilos. It turned out that a member of the take-down team had experienced an accidental or unintentional discharge from his Steyr AUG service rifle. The fleeing and floating suspect was not armed. The safe location and rescue of Martin was completed by the take-down team. It was a conclusion truly appreciated by all - especially Martin.

When "shots fired, shots fired, shots fired" was called out over the USCS tactical radio channel, the tension skyrocketed for the three marine surveillance cover teams, USCS support aircraft and the USCS national communications center in Orlando monitoring the frequency and undercover operation. Customs communications, called Sector on the radio (now Charlie 100 under DHS), immediately placed several regions of the United States on radio stand-by until it could be confirmed that the take-down team was safe. The worst was feared with a shooting during an undercover smuggling operation at-sea so far from the coastline with trauma care hours away. It was all hands on deck for the communication officers until it was confirmed that the operation on the undercover motor vessel was under control. They were part of the operation, just as much as the surveillance teams.

USCS aircraft, USCS marked motor vessels and PBSO marked motor vessels, which were conducting blacked-out surveillance for the cocaine transfer, immediately responded to the scene from several miles away to assist the undercover motor vessel. Nevertheless, Barker and two Bahamian suspects fled with approximately half of the cocaine load in his darkened motor vessel into the night back to Bahamian waters and nearby Grand Bahamas.

The fugitive and cocaine were transported to Florida for processing and prosecution. During the trip back to West Palm Beach, Martin and the agents quietly watched a movie on the boat's television and VCR to kill the time and decompress. Richard Barker, Martin and Darby were indicted and charged with four counts of cocaine possession, importation and distribution conspiracies.

Martin turned out to be a Colombian national who was the alleged source of supply for the cocaine load. The suspect, a fugitive, was also the subject of at least one federal arrest warrant for narcotic smuggling. He was previously charged in West Palm Beach with the importation of approximately 400 kilograms of cocaine in 1989 and jumping bail in 1993. Martin pled guilty and was sentenced to 105 months in prison. He would also receive a 12 month consecutive prison sentence for the 1989 smuggling and 1993 fugitive case. The court recommended for Martin to be placed in a Miami detention due to his 14 year old son and 80 year old mother to be able to visit him.

Darby pled guilty to one count and was sentenced to 60 months in prison for his role in the smuggling venture. The court recommended for Darby to be placed in the Texarkana, Arkansas detention facility to be near his family. According to BOP records, Darby was released from custody in 2004.

USCS, DEA and USCG officials based in the Bahamas immediately attempted to locate Barker, the suspect motor vessel and the unidentified Bahamians.

### **Benny the Enforcer**

Like so many others in this story, this was not Darby's first drug smuggling rodeo. He had been previously arrested with three others in Iowa in 1983 for conspiracy to smuggle cocaine into the United States. Darby apparently knew a lot about narcotic smuggling. What Darby did not know was that one of the men involved in the evolving cocaine smuggling conspiracy in Iowa was a confidential informant.

Darby, Robert William Krevsky, Victor Eduardo Bonilla and Edward J. Merchant attempted to locate and lease an aircraft in Iowa to smuggle cocaine from Colombia. Merchant contacted a man at an aircraft rental business to discuss the leasing of a twin engine turbo-prop aircraft. Merchant offered to split \$150,000 with the man if the aircraft could be leased by the suspects. Merchant stated that extra fuel tanks would be installed in the aircraft to transport

high-value cargo. The man, believing that the suspects were intending to smuggle cocaine into the United States, contacted DEA and FBI. The man became a confidential informant.

The confidential informant contacted Merchant a couple weeks later and scheduled a meeting to discuss an aircraft lease. The confidential informant later met Merchant and Bonilla at the airport in Des Moines and then travelled to a local motel to discuss the lease and cocaine smuggling venture. Bonilla stated that he was a marijuana smuggler who changed over to cocaine for the higher profits. The three later departed the motel and traveled to inspect the Beechcraft King Air 350 aircraft for lease. The three returned to the motel room to further discuss the transaction and how to avoid radar detection and authorities in Colombia. However, the suspects were having difficulties gathering the cash for the deal.

The next day Darby and Krevsky flew to Des Moines from Chicago with additional funds. The suspects were still not able to gather sufficient cash, so cashier's checks were included in the payment. As the men were counting out approximately \$90,000 in the motel room to lease the aircraft, law enforcement was recording the conversations with a hidden recorder. When sufficient evidence was collected, DEA and FBI agents arrested the four suspects. Lyle Arthur Marter was later arrested as part of the conspiracy as the intended copilot.

Darby, again also known as Blondie, was reportedly an enforcer for the group who was willing to shoot police or others threatening the drug load. He was to kill anyone who got in the way.

According to the DEA, Bonilla was a Colombian national who had been identified in 18 different investigations since 1973. He was alleged to be involved in the smuggling of tens of thousands of pound of marijuana into the United States. A lawful permanent resident alien since 1961, Bonilla was reportedly the source of supply for the cocaine. He was wanted in Michigan at the time of his arrest in Iowa. At the time of his arrest, Bonilla possessed a fraudulent passport with his photograph and fictitious name Roberto Mario Charsis-Fontalvo. Interestingly, Bonilla's attorneys from Florida were also under investigation to determine if they knew that he was using a false name during his arrest and initial court appearance.

Consistent with many others in this story with political family members or ties, Merchant's father was reportedly an airport commissioner in Vinton, Iowa.

Merchant was granted a separate trial as the first claiming government entrapment. During the trial of the other four suspects, the prosecution presented that Merchant was the intended pilot and Marter was the copilot for the planned load of 800 kilograms of cocaine from Colombia. Krevsky was the money man and Darby was the enforcer. All of the suspects claimed at the trial that the government entrapped them. The recording from a body wire worn by the confidential informant was thrown out by the judge due to its poor sound quality. The same almost happened for the second audio recorder that was hidden under the bureau in the motel room.

After the judge's denial of the motions for mistrial, directed acquittal and the exclusion of evidence, the trial continued to its conclusion. Darby, Bonilla and Krevsky were convicted and their bonds were immediately cancelled while Marter was acquitted by the jury. Not long after the conclusion of the trial of his four co-conspirators, Merchant decided to plead guilty to two drug conspiracy charges. He must have read the writing on the wall.

Darby and Krevsky were sentenced to ten years in federal prison and five years of probation, with the possibility for parole after one third of the sentence. Darby, Krevsky and Bonilla, appealed their convictions in 1984 citing several arguments to include mistrial, severance, evidence, sentencing and prejudicial publicity issues. All of the arguments were denied and the district court ruling was upheld.

### **Arrest in the Bahamas**

In November 1998, Bahamian police arrested a subject in Freeport matching the description of fugitive Richard Barker. The man, reportedly carrying false identification in the name Richard McMann, was boarding a private aircraft bound for Eleuthera, Bahamas when stopped by Bahamian officials. The subject was confirmed to be fugitive Richard Barker, who was ordered to be returned back to the United States.

According to a Barker family member, Richard Barker was arrested on his way to Cuba with a suitcase full of money to live his life as a fugitive in the country without the fear of extradition back to the United States. If true, it is not known what happened to the alleged million dollars in cash that he possessed when arrested in Freeport.

Barker was escorted from the Bahamas by three DEA agents based in the Bahamas and turned over to USCS investigators at the Miami International Airport. Since the court could not

find any combination of conditions to reasonably assure his appearance in court, Barker was once again held without bond for the pending federal charges.

## **The Final Sentence**

The trial was set for January 1999 at the Miami Federal Court House. Unceremoniously, Barker pled guilty to one count in federal court in March 1999 for the cocaine smuggling charges and absconding from supervised release. According to Barker's attorney, the plea appeared to be the best way to minimize the penalty – the charges carried a maximum of life in prison.

During the court hearing, Barker stated that he never saw an assault rifle on his boat during the cocaine transfer. Barker objected to several issues in his presentence report in a Rule 32 (c) Submission to the court. Barker claimed that he never used the alias name "Richard McCann". Barker stated that an unidentified woman was not on the motor vessel. Barker maintained that he was on the bow of the load vessel during the cocaine transfer and did not transfer the cocaine to the undercover vessel.

According to Barker, the cocaine unloaders were Jameel Lightborne and Ricky LNU (last name unknown). The load vessel was reportedly owned by Derrick Miller and Ricky LNU, who was Miller's boat captain. Barker claimed that the law enforcement takedown team yelled "freeze", but did not identify themselves as police. He also denied that anyone possessed a firearm on the load vessel. Barker objected to being the most culpable defendant in the conspiracy since Martin reportedly arranged the off-load location. Barker argued that he was not an organizer, but a middle man. He stated that he was not at the throttle during the flight from the takedown.

Barker was sentenced to life in federal prison in June 1999 for the new convictions in conjunction with his previous criminal history. Even though it was life in prison, the sentence also included five years of supervised release and a \$100 assessment. There was no fine imposed since he was not able to pay any fine. The government was seeking the very unlikely restitution payment of \$21,224 for the damage to the undercover USCS motor vessel, but it was not included in the judgment order.



## **And The Beat Goes On**

The smuggling accusations and investigations did not stop with the final incarceration of Richard Barker. Several law enforcement agencies in the Fort Pierce area continued to investigate the Barker Family remnants and linked smuggling groups. It was time to mop-up the last ones.

An investigation of USCG Petty Officer Michael Alonzo Miller was initiated in 1998 when his fellow crew members alleged that Miller was selling USCG operational information to drug smugglers, which turned out to include a 42 page book with secret law enforcement radio frequencies. The drug smugglers receiving law enforcement information allegedly included The Barker Family.

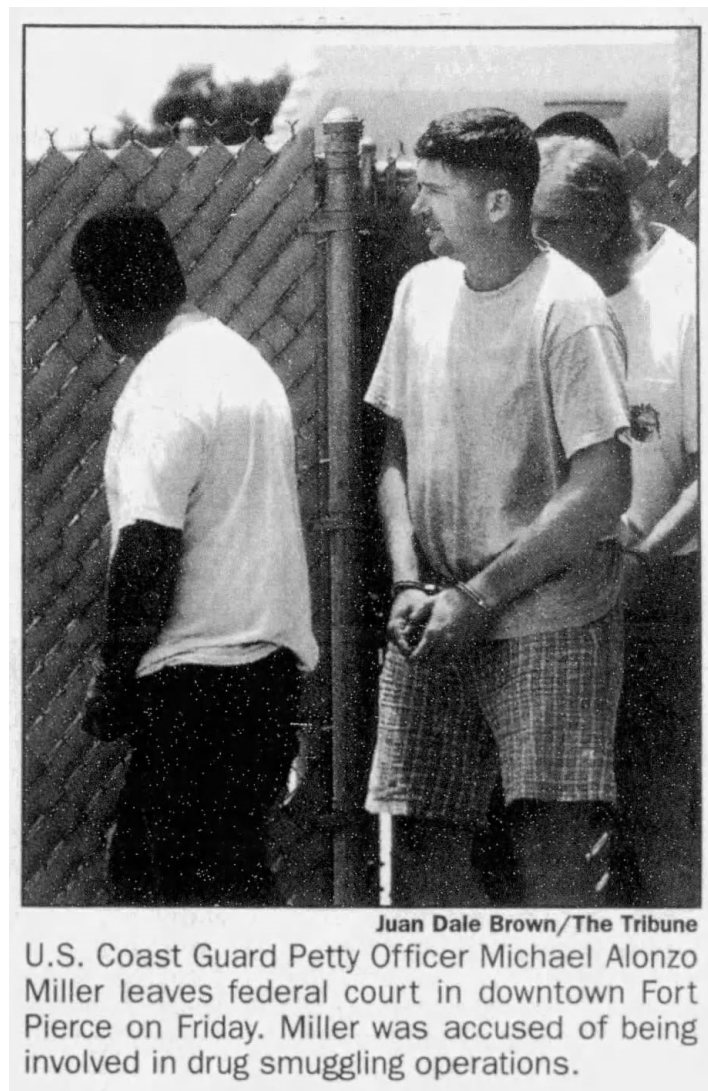
Miller, a former U.S. Marine Corps corporal, joined USCG in 1995; he was considered a model Coast Guardsman by his commander until the rumors started by his coworkers. Miller was one of six boarding officers with access to drug investigation and law enforcement information at the Fort Pierce USCG station. Miller reportedly provided his Bahamian drug bosses with information about patrols and surveillance so they could evade interdiction; he also reportedly functioned as part of the off-loading crew in Florida for the Bahamian group.

The investigation of Miller and several associates progressed when Shelley Tracey Calhoun allegedly tried to set up a drug deal with a DEA confidential informant that she knew through her old boyfriend Richard Barker. Over months, DEA attempted to interdict a cocaine and marijuana smuggling venture with Miller, but the Bahamian suppliers experienced issues with bad weather, engine failures and logistical issues. The suppliers could not get their act together. Due to Miller's sensitive USCG position, DEA conducted an undercover controlled delivery (sting) at sea in 1999 via motor vessel.

Michael James Roberts paid \$1,000 to Fort Pierce reserve police officer Anthony Franco Ortiz for the use of his boat for the smuggling venture from the Bahamas – an innocent third party owner. Roberts was to pay an additional \$15,000 to the reserve officer after the successful importation. Roberts, along with a confidential informant, utilized the borrowed motor vessel “The Freakin Reakin” to meet undercover DEA special agents on their boat seven miles off of Fort Pierce to obtain the drugs. Roberts then piloted the boat to Fort Pierce Inlet State Park to unload the narcotics into a waiting van with Miller and Robin Wayne Smith. During the take-

down of the suspects by law enforcement, the van fled and crashed through two police barricades before the tires were shot out by law enforcement.

Miller was arrested with Roberts and Smith for the smuggling of 700 pounds of marijuana and 20 kilograms of cocaine. According to prosecutors, Miller and Roberts were involved in at least three previous marijuana and cocaine smuggling ventures in 1998. Miller would be denied bond by the judge due to his background – a position of trust. The judge stated that Miller was held to a higher standard than the other three defendants.



Juan Dale Brown/The Tribune  
U.S. Coast Guard Petty Officer Michael Alonzo Miller leaves federal court in downtown Fort Pierce on Friday. Miller was accused of being involved in drug smuggling operations.

**Michael Alonzo Miller**

St. Lucie News Tribune 06/26/99

Miller pled guilty and was sentenced to nine years in prison in 2000. He was released from BOP in 2006. Roberts pled guilty to two counts and was sentenced to 88 months in prison. Roberts was released from prison in 2005. Smith pled guilty to one count and was sentenced to 42 months in prison. Smith was released from prison in 2002.

Ortiz, a seven year part-time officer, was suspended from his reserve police duties for consorting with and employing a known criminal at his towing company. Ortiz was later indicted for narcotic smuggling. Recorded telephone conversations clearly documented his involvement in the cocaine and marijuana smuggling with his motor vessel. Ortiz and Calhoun were arrested and charged for the smuggling conspiracy. Ortiz was found not guilty.

Calhoun pled guilty to one count in the smuggling conspiracy in 2000. In the response to her pre-sentence investigation report, Calhoun's attorney claimed that she was a functional drug addict. She reportedly spiraled out of control during her relationship with Rick Barker which began in 1997. Calhoun was sentenced to 30 months in prison and 500 hours in a substance abuse program while in custody. She was released from prison in 2002.

### **Continued Mop-Up**

The Miller arrests and prosecution dovetailed into a larger investigation targeting the Barker Family associates which would result in additional fruit in the following couple of months. Three more suspects were arrested in August 1999 by the USCS office in Fort Pierce during the smuggling of 512 pounds of marijuana and five pounds of cocaine via motor vessel from the Bahamas. Two Bahamians and a suspect from Miami were caught off-loading the drugs into a van from the arriving boat along the Saint Lucie River. Law enforcement had been conducting surveillance for three days waiting for the importation. The arrest was a continuation of the effort to dismantle the Barker Family associates.

Richard Patrick Ankiel, Phillip P. Kennedy, Cindy L. Rohn and Dale Jackson were charged with conspiracy to distribute marijuana and cocaine in September 1999. Ankiel and others had been linked to the Barker Family, also known as the Captain Jump-Off smuggling network, by the United States Attorney's Office in Fort Pierce. The charges were the result of a year-long investigation by the USCS office in Fort Pierce into the Barker Family.

The defendants were well-known by law enforcement and the courts. Ankiel had been arrested 14 times, with six convictions, since his first arrest in 1975 for possession of marijuana. Kennedy, Ankiel's son, had been arrested 28 times in six years to include rape, burglary and possession of cocaine and marijuana. Jackson has been arrested 16 times in 28 years to include possession of explosives with intent to do harm.

Ankiel ultimately cooperated with the federal government, including in the prosecution of USCG Petty Officer Miller. He pleaded guilty to two counts of conspiracy to possess with intent to distribute cocaine and marijuana in September 1999. Ankiel was sentenced to almost six years in prison and six years of probation in March 2000 for the smuggling of marijuana and cocaine from the Bahamas to Florida. He was granted a 120 day delay until he was scheduled to start his prison sentence. However, once he tested positive for cocaine and later was found with a gun, he was sent immediately to prison. According to BOP records, Ankiel was released from custody in 2005. Kennedy was sentenced to seven years in prison.

Dale Jackson was sentenced to 30 years in prison and five years of probation. This was not his first involvement in a narcotic smuggling organization. Jackson had been arrested in 1988 with 12 other subjects associated with the legendary Pinder Ring. The Pinder smuggling organization was very well-known to law enforcement in the United States and Bahamas. Almost every federal agency and many police departments in Palm Beach County had at least one case on the Pinder smuggling organization.

Claude Avon Pinder, the Pinder Ring leader, was part of a family operated drug smuggling organization whose criminal roots dated back to gun-running and Prohibition days. Pinder, Lanny Basil Pinder, Milton Keith Pinder and 19 others were indicted in May 1988 by a federal grand jury. A FBI drug investigation documented the importation of 15,000 pounds of marijuana from Colombia through the Bahamas into South Florida between February and December 1985. The organization was thought to be responsible for the smuggling of 100,000 pounds of marijuana and 2,500 pounds of cocaine since 1982. According to court documents, Claude Avon Pinder allegedly controlled a network of 150 smugglers. He was sentenced to 30 years in federal prison in 1991, but he was released in 2003. Lanny Pinder, Claude's cousin, was reportedly a former Riviera Beach police officer and Florida Highway Patrol trooper.

Claude, Lanny and Milton were the grandsons of Marmon Pinder. Marmon Pinder moved from Long Island, Bahamas to Singer Island in 1908 to start a kingfishing fleet and family business. At some point, the family business changed from strictly fishing. Due to their

strong associations with the Bahamas, the Pinder Ring was thought to have strong political connections in the islands that benefited their smuggling operations, to include suspicious financial activities with government officials.

In an interview after his release from prison, Claude Avon Pinder stated that 15,000 pounds of the marijuana smuggled from the Bahamas to Florida were actually owned by Michael Ray Roberts. The Pinder Ring just facilitated the importation of it. Roberts reportedly blamed it all on Pinder to save himself.

### **The Rest of the Story**

According to a long and detailed 2005 article, the 15,000 pound Pinder Ring marijuana load had been smuggled from Santa Marta, Colombia to Walker's Cay, Bahamas via sailboat in March 1985 by Michael Ray Roberts. Roberts reportedly conspired with Claude Pinder on Singer Island in April 1985 to smuggle the narcotics into Florida. Twenty-five different boat captains reportedly met Roberts in international waters between West Palm Beach and Fort Pierce and successfully smuggled the marijuana shipments into Florida over a three month period. When Roberts was later arrested in 1988, he cooperated with the federal government and testified against Pinder and many others. Due to his cooperation, Roberts received the surprisingly light sentence of three years of probation rather than the possible 30 years that he was facing at the time due to his previous criminal history.

Many years later in June 2005, Roberts purchased a 48 foot sailboat and sailed to Port Antonio, Jamaica. While in port in Jamaica, he was approached to smuggle marijuana into West Palm Beach. He agreed to smuggle a 75 pound load and was paid \$26,000 upon delivery in Florida. Roberts returned to Jamaica to obtain another load of 400 pounds in August from the same source of supply for a promised payment of \$80,000. On the return trip, Roberts's 48 foot ketch was stopped by USCG nine miles off of West Palm Beach during a routine boarding. The concealed drugs were not located during the boarding and the USCG departed from Robert's sailboat. Minutes later, Robert's name was located in a database query as a previous drug smuggler and the USCG returned to board his sailboat again. USCG escorted Roberts and his sailboat to the port of entry at Riviera Beach for a full inspection, during which the marijuana was located concealed in the cabin walls and hull. He was arrested again for drug smuggling.

Roberts was turned over to HSI in West Palm Beach for investigation and possible delivery of the drugs to the owner in the United States. During the controlled delivery at a hotel



parking lot, a suspect was shot and killed by a local task force agent assigned from PBSO who was supporting HSI and DEA. The task force officer would be later cleared of any wrong doing in the shooting in early 2006. With the one suspect dead, the investigation did not result in the arrest of anyone higher than the low-level driver. Roberts, a higher level player, would once again receive credit for his cooperation.

Roberts' criminal history started before the massive Pinder Ring investigation and the maritime marijuana smuggling from Jamaica. After a ten month PBSO investigation, Roberts was arrested in 1976 with approximately 300 pounds of marijuana that he and another were transporting in a van for delivery. Roberts was convicted in 1977 for the possession of marijuana and sentenced to two years in state prison.

Roberts was arrested by the FBI in 1987 in West Palm Beach for federal charges out of North Carolina. There were two different active federal cases in North Carolina – one for a convicted felon possessing 11 firearms in 1986 and one for cocaine trafficking also in 1986. Roberts was also being questioned by the FBI regarding a previous South Florida issue. According to Pinder Ring member and convicted drug smuggler Phillip Carter (Philip Ross Carter from the 1985 New Jersey arrest with Richard Barker), he and Roberts were allegedly involved in loading 1,000 pounds of marijuana on to a PBSO marked police patrol boat in 1981. The marijuana was an alleged payment to the deputies for their services to the smugglers. Carter was not able to identify the alleged two deputies on board the police motor vessel at the time. Two deputies were later identified by a private investigator and in media reporting. However, the serious allegations were never substantiated.

## **The End of an Era**

Many other suspects, who were linked or associated with the Barker Family through surveillance, investigations, telephone toll analysis or other methods, were arrested for narcotic smuggling and distribution. Even more new subjects were alleged to be involved in criminal activities filling the drug and alien smuggling void left by the Barker Family. The mop-up work targeting the Barker Family associates did leave a mark, especially in the Fort Pierce area.

However, with the death of Cecil Barker in 1995 and life sentence for Richard Barker in 1999, the Barker Family appeared to become less of a fixture in the South Florida smuggling environment. Ronald Barker's name reportedly continued to pop up in investigations, but not to the extent as before with any known arrests.

The Barker Family entered the smuggling world at a pivotal time. Richard Barker's apparent coordination and logistics role in Colombia in the mid-1970s coincided with the development and rise of the early drug cartels. He may have operated in the same universe as the much more famous drug smugglers Barry Seal and George Jung and Colombian sources of supply such as Pablo Escobar, Carlos Lehder Rivas and Jose Luis Ochio. They were all emerging at that time by smuggling drugs from small Colombian airstrips and seaports.

According to a Barker family member, Richard Barker did know Barry Seal as well as many other famous and infamous players in the drug smuggling world.

The popular drug smuggling movies *Blow* and *American Made* may provide an idea of the criminal circles that the Barker Family and their many smuggling associates were operating in inside Colombia and across the United States. The Barker Family was involved in some impressive air shipments of marijuana to the United States. Even with all of their activities, they still flew mostly under the radar for many years – literally and figuratively.

### **Barker Jail House Interview**

Through prison interviews, Richard Barker provided his perspective on his colorful life and smuggling career. In a newspaper article in 2003, Richard Barker admitted that he dabbled in the smuggling business most of his adult life. Barker explained that his first smuggling trip was to Jamaica for a half pound of marijuana when he ran out of pot in college in the early 1970s. He stated that this smuggling business became more sophisticated and profitable over time. Barker claimed that drug smuggling became a multimillion dollar business with long-range smuggling boats costing over \$200,000.

Barker stated in the interview that he served 10 months in federal prison in Atlanta in 1985 for conspiracy to import marijuana and a couple years in prison in Costa Rica. The BOP online record system documented his release as March 17, 1983. His extended Costa Rican stay explained his absence from prosecution during the 1978 air smuggling load of 12,000 pounds of marijuana. The details of his Costa Rican arrest and incarceration were unknown to South Florida law enforcement for many years and not fully understood today.

Barker told the reporter that after making great profits, he retired from drug smuggling to spend more time fishing. He said that he squandered his fortune away and returned to smuggling

on a smaller scale. While in the Bahamas, he was approached to smuggle humans. Barker spun the transition to alien smuggling as first a favor and then a response to the negative reaction of Bahamians to the large Haitian influx.

Barker stated that he was more comfortable smuggling bales rather than people. But after the word got out, he was approached by many Haitian nationals for the trip. He realized that the aliens would pay \$1,000 each and they could be dropped off on the beach, reducing the risk of interdiction. At the height of his alien smuggling, Barker used three houses in Freeport to house the aliens before the trips.

Barker stated that “When the water was calm, we were running probably five nights a week. Sometimes two boats at a time. Some nights we put 60-70 people on the shores.” There had been many alien landings identified by law enforcement during this time frame, but Barker’s statement (if true) indicated that the vast majority had been completely missed by the South Florida law enforcement agencies. By his statements, Barker was apparently grossing from \$60,000 to \$140,000 a night for the busy nights.

Barker stated that seven or eight people worked for him and that he had a “cooperative” arrangement with Bahamian officials. He stated that it was impossible to run a large scale operation like that without government payoffs. His statement confirmed allegations and the beliefs of many investigators over the years. It also likely significantly decreased his net profits, but they were probably still very good.

When asked about some tricks of the smuggling trade, Barker provided the reporter with the following wisdom:

“I left over there (the Bahamas) in the early evening and I always got here at night. Always. You’re in a boat with 20 black people and you’re the only white guy. You stick out like a sore thumb....

My main worry at night is something floating in the water. That’s why I put my radar down really intense. Put it down so it’s closer and turn up the intensity, so if things are floating in the water then I have enough time to pull back and go around. Of course, to take every bit of metal off your boat that you can.... That’s why we used Midnights and Cigarette boats. They’re mostly fiberglass. The only thing that’s metal on your boat is going to be your engines. And run low-profile in the water.”

Barker explained the defensive measures utilized to evade detection by USCG and USCS and use of fiberglass go-fast motor vessels to reduce a radar image. He stated that he removed all the metal possible from the boats. The use of fiberglass motor vessels was not unique or especially beneficial with the technology of the day. Some smuggling groups in the 1990s did start using rigid inflatable boats and cover their outboard engines to provide an even smaller radar profile. The Barker Family likely also benefited from their surveillance of law enforcement motor vessels and possible information gleaned from official and unofficial law enforcement interactions.

Barker discussed the February 7, 1994 Haitian alien smuggling venture along with his trial. Barker initially denied any involvement in the smuggling venture during his trial, but later admitted his actions. He stated at his trial that no one testified that he personally forced anyone off of the boat. In the article, Barker stated that he should have put life jackets on all of the children. Once again, Barker focused on the two dead children from the one alien smuggling venture and not the two adults or the hundreds of other aliens he allegedly exposed to the same danger on the unknown number of previous trips.

When discussing the 1994 alien smuggling venture, he reportedly stated:

“Of all of the things I’ve done in my life, and I’ve done some bad S---, but I tell you what, I’m ashamed of that. Two kids died.”

Apparently, the death of the adults still did not leave the same lasting impression.

He stated that his grief was compounded with the murder of his wife in Georgia one month after his arrest.

Barker admitted that he had traveled to the Bahamas in August 1997, without his federal probation officer’s permission – something USCS investigators had been tracking as part of the ongoing investigation of the Barker Family. A month later, his urine sample tested positive for cocaine so he decided to permanently move to the Bahamas and start smuggling again.

Barker stated that he and his crew were unloading cocaine into another boat at sea on October 14, 1998 when gunfire erupted. He stated that in the confusion, one his crew members

leaped into the water and another was wounded during the incident. Barker stated that he thought he was being robbed until he saw that he was nearly surrounded by flashing blue lights. An aircraft flew over him several times, but he escaped under the cover of darkness back to the Bahamas.

Barker explained that Bahamian officials arrested him a month later as he boarded a plane for Eleuthera, Bahamas. Barker said that he pled guilty to conspiracy to distribute a controlled substance and was sentenced to life in prison.

From the Coleman Federal Correctional Complex in central Florida, Barker reportedly stated the following during the interview:

“Of course, now I’ve had time to look at it, there’s a lot of things I should have done. But I’ve really lived a great life, you know. I mean I’ve done exactly what I wanted to do. Probably selfish, you know, in some aspects as far my family and everything. But being up here (prison), the way everything’s turned out. Those are my regrets. For my family. But I liked doing what I did.”

### **A Late Legal Motion**

Richard Barker filed a motion for judgment and motion to expedite in 2018 with the Southern District of Florida from federal prison. They were technical motions to request action since his five year sentence of supervised release for the 1994 alien smuggling and death case was never completed due to his criminal behavior and flight to the Bahamas. When he was arrested for the cocaine smuggling case and pled guilty, the outstanding supervised release violations were never resolved due to the life sentence in federal prison – also with another five year supervised release requirement for cocaine smuggling. The supervised released violation hearing was deferred by the judge in 1999. Even though Barker committed numerous technical violations, the hearing did not appear terribly relevant for someone with a federal life sentence.

Barker requested for the dated but pending legal issues to be resolved by merging it with the five years of supervised release that he received with his life sentence. He wanted them to run concurrently and release the outstanding legal issues. He waived his rights to any hearing on the matter to expedite the lawful resolution. Barker stated that his death was imminent with a diagnosis of terminal pancreatic and lung cancer. His prognosis of life expectancy was



reportedly three to six months. The resolution of outstanding legal issues would permit consideration of his request for compassionate release in order to die amongst his family.

The United States Attorney's Office confirmed the background information and that the hearing never occurred for the violations. The government did not oppose the termination of the first supervised release sentence since it did not affect the second supervised release sentence for the cocaine smuggling case. Barker's motions were granted by a federal judge in 2018.

### **The More Things Change**

Much has changed in the times since the assorted arrests and prosecutions of the Barker Family members and their many active associates, but some things have stayed the same.

The modest third story USCS West Palm Beach office on South Dixie Highway was abandoned for an impressive office building on the Intracoastal Waterway several blocks to the east. The new building shares space with law firms and investment companies, something that the private sector neighbors may not appreciate as much as the special agents do when handcuffed prisoners are brought in for interviewing and processing. From the fifth floor, now HSI special agents look out at the million dollar mansions on Palm Beach Island and have a beautiful view of the blue ocean with the Bahamas not so far across the waters.

Marine enforcement officers are now working in the sister DHS agency of U.S. Customs and Border Protection, but continue to team with the special agents on marine narcotic and alien smuggling investigations. The air and marine smuggling threat continues in South Florida, but likely not at the level experienced from the 1970s to 1990s. However, alien loads continue to land on the beaches of South Florida.

Small boat reporting requirements remain beneficial to private boaters, especially the smugglers. After the 9-11 terrorist attacks, programs such as Operation On Guard were implemented to focus on terrorism threats. Started in 2002, Operation On Guard was designed to be a cooperative effort by federal and state authorities in South Florida to involve the public in monitoring marinas, seaports and waterways for suspicious activities. The focus was not smuggling, but it could support the older priorities along the way.



Operation On Guard  
Writer 2023

The primary Barker Family residence on Amelia Street in suburban West Palm Beach has been destroyed and removed along with the other houses on the dead end street. The entire street has become a noise abatement area for the Palm Beach International Airport with open grass and trees. The short asphalt driveway entrance from the street is all that remains from the much surveilled and storied property.



Airport Warning Sign

Writer 2019

The rental house on Rustic Road appears abandoned, but looks quite the same as it did during the 1984 shooting death. Due to its location and seriously overgrown foliage, it would still be the perfect place to store contraband and hide from prying eyes.

The rental residence on Ocean Inlet Drive in Boynton Beach has been torn down and a large and impressive “McMansion” residence and new dock have taken its place on the transitioning street. A few of the original single story residences from the 1960s remain, many likely pending future sale for the next knock down. Canal access so close to the Boynton Inlet shall always be valuable for the recreational boater and others with different interests.

The Sailfish Marina Resort continues to be a popular destination for food, drinks and dock services. It long ago stopped being a USCS private vessel reporting station with policy changes years before the division of the proud agency. The reporting policy would later return to reporting arrival from your residence or marina like the early 1970s – returning to the days of unlikely customs inspection.



Sailfish Marina and Inlet

[www.visitflorida.com/listing/sailfish-marina-resort/25117/](http://www.visitflorida.com/listing/sailfish-marina-resort/25117/)

The USCG station moved to a much better location just north of Peanut Island and Palm Beach Inlet next to the USBP station in Riviera Beach. The Port of Palm Beach remains a busy little port of entry.

The Gun Club Café has not greatly changed since the 1990s, still providing home style cooking and a popular meeting place for local residences and law enforcement from the sheriff's office headquarters right down the street. That has not changed and hopefully never will.

The Boynton ramps continue to be popular due to their direct and swift access to the inlet and ocean. The park, ramps and parking lot have not really changed in decades. They are still perfectly placed for the recreational boater, fisherman and smuggler alike.



Boynton Ramps  
Writer 2019

Joe's Point is still a private access point to the beach on Hutchinson Island for the very nice neighborhood across the street. With its dunes, grass and trees, it looks the same as the fateful night when the aliens were dropped into the surf.





Alien Off-loading Location - Hutchinson Island

Writer 2023

Even though the Towns of Lantana and Hypoluxo have most definitely changed and grown with the addition of condominiums and other large residences on the Intracoastal Waterway, many of the same boat marinas and local bars remain that were popular with the Barker Family and other smuggling groups. It is still a little pocket of old Florida that is fading fast.

Casey Kelly's Pub in Lantana is no longer there, but some of the other local hang out spots are still open. The Old Key Lime House has definitely expanded over the years, but the old inside bar looks about the same as when it was a frequent hang out for maritime smugglers and local sages. It claims to be Florida's oldest waterfront restaurant since 1889. You would swear some of the same locals from the old days are still leaning on the bar. Sitting at the bar today with a cold beer brings back many fond memories for both sides of the law.

## **The Barker Family Today**

The Barker Family members, like many of their criminal associates from this story, have passed on from this world.

Angela Sizemore was murdered in Georgia in 1994.

Cecil Barker died in West Palm Beach on July 3, 1995.

Ronald Barker died in West Palm Beach on April 24, 2019.

Richard Barker's statements from his 2003 newspaper interview at times sounded just like the lyrics from the late Jimmy Buffett's popular song *A Pirate Looks at Forty*. As an old school smuggler or pirate, he definitely lived that memorable tune. The 1974 song, written in the South Florida mecca of Key West, sounds like it was written specifically for him.

I've done a bit of smuggling, I've run my share of grass  
I made enough money to buy Miami, but I pissed it away so fast  
Never meant to last, never meant to last

According to the BOP online inmate finder, Richard Barker (Register Number: 04906-018) was identified in their records as deceased on February 10, 2019. According to his family, he succumbed to pancreatic cancer before a possible humanitarian early release.

It was now the end of a family tradition, but what a story it was of old school Florida smuggling along the way.

## **The Players**

### **Family**

Orrin Cecil Barker - father

Ronald Cecil Barker - son

Richard Bennett Barker - son

Angela Dee Sizemore – wife of Richard Barker

## **Associates**

Richard Patrick Ankiel  
Joseph Arnett  
Philip Ross Carter  
Benny King Darby  
Clement J. DeMatto  
Vance C. Dyar  
Robert Guy Eby  
Lee Andrew Fennell  
Robert David Fleming  
James Earle Gammons  
Robert Lee Geans  
Billy W. Gray  
Dale Jackson  
Phillip P. Kennedy  
Jameel Lightborne  
Vernon Lockhardt  
John Joseph Longo  
James Robert Martin  
Gary London Pagels  
Neal Perks  
Franklin M. Phillips  
Dutch Robbins  
Cindy L. Rohn  
Venable Rolle  
Mark Streeter  
Roger Lee Wright

## **Others**

Melba Till Allen  
Jack Arlington Agnew  
Melvin Anderson  
Walter Anderson  
Ronald Marc Beline

William Fred Bennett  
Victor Eduardo Bonilla  
Robert John Bowden  
Tom Brignac  
Kenneth J. Burnstine  
Shelley Tracey Calhoun  
Stanford Champion  
Hubert Christie  
Ed (Edd) Conn  
Daniel Paul Cormier  
Harold Derber  
William Derrick Farris  
Gilbert Fernandez Jr.  
Alex Richard Galligan  
Dennis C. Gostomski  
Eugene Otis Hicks  
Eric T. Jenison  
Joel W. Jenison  
Marcus Ray Johnson  
Michael Floyd Kalmbach  
Gary Lee Kirkpatrick  
Kathleen Kirkpatrick  
Russell Kirkpatrick  
Robert William Krevsky  
Eugene Herbert Latrell  
Perry G. McCann  
Kenneth Matus  
Lyle Arthur Marter  
Edward J. Merchant  
Michael Alonzo Miller  
John R. Monaco  
Dennis M. Mongan  
Joseph F. Nichols  
Edward Warren O'Brien Jr.  
Anthony Franco Ortiz  
David Allen Pandorf

John Hosey Peeples  
Joseph Henry Peeples Jr.  
Joseph Henry Peeples III  
Patricia Helen Peeples  
Peter S. Penrose  
Claude Avon Pinder  
Lanny Basil Pinder  
Marmon Pinder  
Milton Keith Pinder  
Martin Bert Raulins  
Austin Roberts  
Michael James Roberts  
Michael Ray Roberts  
Charles Bernard Roche  
Robin Smith  
James E. Stevens  
Alberto Surano Urkina  
Cecil Wroten

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#### About the Author

Robert C. Hutchinson retired in 2016 as the deputy special agent in charge for the U.S. Department of Homeland Security, Homeland Security Investigations field office in Miami, Florida. He proudly served over 28 years as a special agent with Homeland Security Investigations and the legacy United States Customs Service. He can be contacted at [oldschoolfloridasmuggling@gmail.com](mailto:oldschoolfloridasmuggling@gmail.com) or via LinkedIn at [Robert C Hutchinson](#) (where his over 40 other publications can be found).