



To: Mayor and Commissioners

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Appearance by Jack Thompson

Date: May 23, 2017

The upcoming agenda includes a personal appearance requested by Jack Thompson to discuss his attendance at Granada Presbyterian Church. Mr. Thompson and the Church have been in a dispute regarding Mr. Thompson's attendance, and the Church has issued a written trespass warning to Mr. Thompson. The City's position has been, and continues to be, that it is not preventing Mr. Thompson from attending Church and will not involve itself in this civil dispute. I have reviewed the trespass warning as well as the relevant case law, and opine as follows:

- (1) The City does not have a legal basis to prevent Mr. Thompson from attending Church absent a court injunction or stay away order.
- (2) The written trespass warning provided by Granada is evaluated under section 810.08 of the Florida Statutes.
- (3) Section 810.08(3) expressly references the necessity of a "threat to public safety or welfare".
- (4) If Mr. Thompson attends an event at the Church that is open to the public, and if he is causing a threat to public safety or welfare under section 810.08(3) of the Florida Statutes (i.e., a public disturbance), and if City police officers are called to the scene and a trespass warning is given in their presence consistent with the written trespass warning that has been provided, and if Mr. Thompson refuses to leave, the City police department would have discretion to conduct an arrest based on probable cause of a violation of section 810.08.
- (5) The City would enforce any court order that is provided either for or against Mr. Thompson's attendance, but as no such court order has been provided, that is ultimately a civil matter in which the City would not take a position.
- (6) The Church may hire an off-duty police officer to attend public events, subject to availability.

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, and in anticipation of the City Commission meeting on May 30, 2017.

A copy of this opinion will be forwarded to Mr. Thompson, Granada Presbyterian Church, and retired Judge Ellen Leesfield, who served as a mediator between the City and Mr. Thompson in this matter.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: Fwd: City Attorney Opinion regarding appearance by Jack Thompson
Date: Tuesday, May 23, 2017 12:19:15 PM
Attachments: [image003.png](#)

Please publish.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: May 23, 2017 at 11:13:23 AM EDT
To: Commissioners <Commissioners1@coralgables.com>
Cc: "Swanson-Rivenbark, Cathy" <cswanson@coralgables.com>, "Fernandez, Frank" <ffernandez@coralgables.com>, "Iglesias, Peter" <piglesias@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>, "Suarez, Cristina" <csuarez@coralgables.com>, "Throckmorton, Stephanie" <sthrockmorton@coralgables.com>, "Hudak, Edward" <ehudak@coralgables.com>
Subject: **City Attorney Opinion regarding appearance by Jack Thompson**

Mayor and Commissioners,

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Please do not reply to all.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*

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