

Prosecutors Removed in Envelope Flap

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OCALA- A judge has disqualified the 5th Circuit State Attorney's Office from further handling the murder case against an Ocala man because prosecutors reviewed a letter to the defendant's lawyer that was protected by attorney-client privilege.

In an order released Monday, Circuit Judge David B. Eddy said that by reading the letter that Tlarence Munnerlyn was sending from jail to his lawyer, Brian Bieber, prosecutors "became privy to privileged information regarding possible trial strategy."

Eddy will remain the judge, but, under his order, the governor will reassign the case to prosecutors from another judicial circuit. Eddy also ordered the letter from Munnerlyn to Bieber to be purged from the state attorney's records.

Munnerlyn, 27, faces charges of first-degree murder and attempted murder in a shooting last November outside the barbershop Fashion Cuts, at 837 N.W. Martin Luther King Jr. Ave. In the incident, New York residents Corey Cribbs and his friend Janell Cherry were shot. Cribbs, 23, died at the scene and Chen, 20, spent weeks recovering in the hospital before being returned to New York.

Last month, the defense filed to have the charges dropped or to have prosecutors with the 5th Circuit removed from the case because a jail guard opened a sealed letter from Munnerlyn to Bieber, read part of it and had a co-worker copy it. A jail investigator then forwarded a copy of the letter to John Moore, one of the attorneys prosecuting the case for the state.

On Monday, Eddy denied the motion to dismiss the charges against Munnerlyn stating in his order that transferring the case to prosecutors from a different circuit, who did not have access to the letter, would remedy any harm done to Munnerlyn's defense. He wrote that the circumstances involving the opening of the letter did not reach the threshold for dismissing the case because the State Attorney's Office "did not initiate the search and seizure of Defendant's letter" and the prosecution's "possession and distribution of the letter were innocent and inadvertent."

"They broke the law, and now they're off the case," Bieber said in a phone interview Monday. "The officers' and the prosecutors' jobs are to enforce the law, not make up their own and that's what Judge Eddy's ruling means... We still believe that dismissal was appropriate, but we have no choice but to respect the judge's ruling."

Bieber said nothing in the letter implicated Munnerlyn in the shootings of Cribbs and Cherry.