

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT OF FLORIDA IN AND  
FOR LEE COUNTY, FLORIDA**

**FALL TERM, 2012**

**In the interest of:**

**EDDIE C. LEONARD**

**Case numbers: 12CJ5203, 12CJ5204**

**and**

**DEJERION J. STEWART,**

**Juveniles**

**PRESENTMENT**

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:**

**The Grand Jurors of Lee County, impaneled and sworn to inquire and true presentment make in and for the County of Lee, Fall Term, 2012, of the Circuit Court of the Twentieth Judicial Circuit of Florida, have inquired into the evidence and circumstances available in this matter. After due consideration of the testimony of witnesses and the presentation of other evidence, and mindful of our sworn duty to determine whether there exists sufficient evidence to justify the finding of an indictment, the Grand Jury finds the following:**

**That two juveniles, Eddie C. Leonard and Dejerion J. Stewart, were arrested by the Fort Myers Police Department on July 1, 2012, on charges of Felony Murder. The arrests related to the June 28, 2012 death of Zhi Wei Huang.**

**That the police department has not produced any eyewitnesses to the crime.**

**That as of the time of the grand jury session, there was no forensic evidence, such as DNA, fingerprints, etc., available. Other potential evidence has yet to be examined or analyzed. The weapon has not been recovered.**

**That Eddie Leonard provided a statement to a Ft Myers Police Department detective. After approximately an hour of questioning, during which he denied knowledge of Huang's shooting, he changed his story and stated that it was Stewart that planned to rob the delivery man, and it was Stewart who shot him. Leonard admitted that he lied several times during his statement as he kept changing his story.**

**That Leonard was arrested on the theory that he was a principal to the murder of Huang. To be a principal to a crime, and to thus be treated as if he had done all of the things the other person (Stewart) had done, Florida law requires that there be evidence that: (1) Leonard had a conscious intent that the crime be done, and (2) that Leonard did some act or said some word which was intended to and which in fact did incite, cause, encourage, assist or advise the other person to actually commit the crime. Leonard's statement is self-serving, and whether he admits to doing anything to assist or encourage Stewart, or to having any intent that the crime be committed, is unclear. Knowledge of another's intent to commit a crime alone is not enough to prove that one acted as a principal. As we have stated, there is no evidence independent of his statement to the contrary.**

**That Dejerion Stewart was arrested solely based on the statement of Eddie Leonard. There currently exists no other evidence to link him to the crime or the crime scene other than the statement of Eddie Leonard.**

**That there was evidence presented that if believed would provide an alibi for Stewart's whereabouts at the time of the shooting. Further evidence must be obtained to either support or disprove this alibi.**

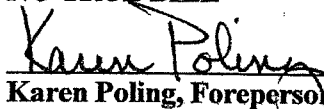
**Leonard's statement to the Fort Myers Police detective implicating Stewart would be inadmissible hearsay and not admissible in court against Stewart. Leonard would have to testify personally in court to his knowledge of Stewart's actions. Leonard could not be compelled to testify without granting him immunity for his actions, whatever those may be.**

**Because we find that it is impossible to ascertain the veracity of Eddie Leonard's statement to police without some corroborating testimony or physical evidence, we do not know what his participation, if any, was. The statement alone is insufficient to prove the involvement, or lack of involvement, of either of these two juveniles. What we may feel probably happened is not in any sense of the word evidence on which to base a criminal prosecution.**

**Because of this lack of evidence, our oath and duty requires us to return a NO TRUE BILL.**

**The death of Zhi Wei Huang was a tragic and senseless crime. We urge the Fort Myers Police Department to continue their investigation in order to bring to justice all those that are responsible, through the discovery of relevant and substantial corroborating evidence in this matter. We further point out that time is of the essence. Since arrests of two individuals have been made, Florida's speedy trial rule has been triggered as to them. Speedy trial for a juvenile is 90 days. The speedy trial period for an adult or a juvenile charged as an adult is 175 days from the arrest. This grand jury stands ready to hear additional evidence in this cause when and if it is available.**

**NO TRUE BILL**

  
**Karen Poling, Foreperson of the Grand Jury**

**I, Chief Assistant State Attorney Randall B. McGruther  
as authorized and required by law, have advised the Grand  
Jury returning the presentment.**

A large, stylized handwritten signature in black ink, appearing to be 'R. McGruther', written over a horizontal line.

**Randall B. McGruther  
Chief Assistant State Attorney**

**Presented in Open Court by the  
The Grand Jury and filed**

\_\_\_\_\_, 2012

**CHARLIE GREEN  
Clerk of the Circuit Court**