

# Big Bad Daily: Reason 2,987 the *Miami Herald* FAILS

By Francisco Alvarado in Banana Republican, News

Friday, Aug. 21 2009 @ 10:41AM



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*The Miami Herald's* skullduggery against local blogger and photographer Bill Cooke is getting serious. Miami's only major daily has sicced Ian Ballon, a big-dog intellectual property lawyer based out of Greenberg Traurig's Los Angeles office, on the canterkerous shutterbug-agitator.

On his bio page, Ballon lists among his accomplishments winning a \$230 million plus judgment in favor of MySpace. Judging from Cooke's post, he ain't scared. Gotta love how he noted the *Herald's* hypocrisy by pointing how some of the newspaper's reporters have done the exact same thing Ballon is accusing him of.

Cooke is not the only one dousing haterade on the *Herald*. Sean Casey's mom forwarded us her letter to columnist Fred Grimm. Genieve Casey takes Grimm to the woodshed, admonishing him - and rightfully so - for not contacting her for his recent column.

According to her letter, she had called Grimm before her son's hearings as part of her effort generate media attention about her son's attempts to get a trial and his accusations against prominent criminal defense lawyer Milton Hirsch. Grimm never bothered to return her phone calls, she claims.

I gotta say she's on point. Daily columnists believe they live in rarefied air where contacting people they are going to skewer is beneath them. I certainly enjoy Grimm's writings, but there is no excuse for ignoring Casey's mother, especially when he wrote negative comments about her.

And I have to hand it to Momma Casey because she really knows how to make a compelling argument for her son. Too bad she couldn't be his lawyer. Read her letter after the jump.

Dear Mr. Grimm ,

I read your article in the Miami Herald and was very disappointed (I also just read the article in yesterday's newspaper written by David Ovalle). Mr. Grimm , did you ever interview me or Sean? Do you know how he feels?

We have evidence to prove that Sean was not driving the car. We were asking for his plea to be vacated and for him to go to trial. Yes, Sean took a plea, but the plea was coerced by Milton Hirsch. Sean has always wanted to go to trial. We have a letter Sean wrote to Milton Hirsch in November 2003 when Mr. Hirsch first approached Sean about fleeing, which I believe you have, in which he tells Mr. Hirsch that he is not going to follow his advice to flee, that he has every intention of going to trial, but after months of Mr. Hirsch asking why Sean was still in Miami he told Sean he wanted him to see Dr. Rappaport (who reinforced the idea in Sean to flee by telling him how he could do it and what he should do).

Dr. Rappaport is the therapist involved in the Country Walk scandal many years ago who "manipulated" and used "reverse brainwashing" on Ileana Furster and most recently was written in Francisco Alvarado's article about Dr. Rappaport spending time in prison. Judge Thornton refused to listen to the Rappaport tapes, which the State says are "quite shocking."

Mr. Grimm, here are a few facts of the case that are either in the court files, Milton Hirsch's files or police records (not something we are making up):

Sean never reported his car stolen, This was an invention of the police to get Sean to waive his Miranda rights and not have an attorney present. Sean's boss had asked the police for Sean to get an attorney but they said "no, you don't need to do that. It's not necessary to do that" (you can read Mr. Munoz' deposition, Exhibit 11, on Sean's website). The first judge in Sean's case berated the police conduct (please read Exhibit 12 - Transcripts of proceedings). Here is a quote from that Exhibit (in court files) that the judge on Sean's case said - the judge stated:

"What is particularly disturbing to this Court is not only does it appear that the officers were being less than candid with the defendant, but that they were being less than candid with this Court. They continued to maintain in the suppression hearing that the purpose in taking the defendant to the station was to question him and to get his consent regarding the search of his car and apartment as part of a stolen vehicle investigation.

Given the facts of this case, that story is simply not credible...this Court feels compelled to order that the statements given by the defendant should be suppressed, along with any

evidence found in the defendant's apartment. As to the blood draw, because of the questions raised regarding the credibility of the officers who testified in this case, the consent of the defendant is in question. The Court will likewise suppress the blood draw. The Court does not find there was probable cause at the time of the blood draw to require the defendant to submit blood, so there is no basis on which the blood draw would be admissible."

Unfortunately, the Third DCA reversed the judges decision because they said there was no one to refute the police's testimony. Sean wanted to testify (we have letters he wrote to Milton Hirsch stating that) at the suppression hearing, but Milton Hirsch made the decision to not put Sean on the stand, thus losing the appeal.

You write that Sean was "drunk." Please read the testimony of the police officers in Exhibit 1 - Transcript of proceedings and testimony taken - on Sean 's website, which is a court document. You will find they found him to be completely lucid, clear and sober. Sgt. Hundevadt actually testified he was NOT drunk:

Q. Did you consider Mr. Casey to be drunk?

A. No, Sir.

Q. You did not

A. No, I did not.

The State Attorney's Office has no evidence Sean was the driver of the car which is the critical element to convict for vehicular homicide. We found in the prosecutor's files after the case was closed an internal e-mail between prosecutors admitting this. As a matter of fact, witnesses at the scene said a black man was driving the car (this is in the BOLO report). Sean is blonde and blue-eyed. All they have are minute glass shards on clothes. This doesn't prove anything. In fact, we have an expert, John Buchanan who will testify that given the proximity of where the victim hit the windshield to the driver's seat and the blood splatter, there would definitely have been the victim's DNA on Sean's clothing. There isn't any. No DNA whatsoever. There is DNA of an "unknown" individual - perhaps someone who was in the car with Sean . We found this DNA evidence in Milton Hirsch's files last year after months of asking to receive copies of his files. Milton Hirsch never told us about the DNA results.

When I spoke with this investigator after Sean plead, the first thing he said to me is why did Sean's attorney have him take a plea - Sean was not driving the car, he could not have been driving the car. He said "didn't you read my deposition" (of course, Milton Hirsch never gave us this deposition). Mr. Buchanan does work for Milton Hirsch yet gave me the name of an attorney to hire because he knew Sean should never have been told to take the plea. The police even slipped and admitted that the small size of the glass shards are consistent with what a passenger in the "backseat" would have had on their clothing.

Mr. Grimm , you were not in the courtroom the day the plea was offered. I even said in my testimony at Sean's first motion for post conviction relief that what happened in the courtroom was bizarre. Sean was given 30 minutes to decide whether he was going to take the plea. He had an attorney who did not want Sean to go to trial (once he found out the judge was going to allow that Sean fled the country) because if Sean was asked why did you flee, he would have to tell them his attorney told him that is what he should do. Milton Hirsch did not want that.

He spent 5 minutes with Sean telling him that if he does not take the plea, Judge Glick would give him 50 years if convicted. What would you have done? Not only that, Merry Haber a partner with Dr. Michael Rappaport and the mother of Michael Haber , Milton Hirsch 's co-counsel on Sean 's case was in the courtroom. She sat next to me (I had no idea who she was until she introduced herself to me - I had no idea why she was there) and she was telling me how Sean should take the plea - Judge Glick would give Sean the max (50 years) if he was found guilty. She even shouted out during the recess to Sean to take the plea. Have you ever heard of that? She was protecting Dr. Rappaport and Milton Hirsch.

Did you also know that Milton Hirsch sent an affidavit to Sean 's attorney in Chile to try to help him stay there? (I can send you the affidavit in which Hirsch said Sean "disappeared"). This is also part of the court records. When I knew Sean was going to be deported because of the arrest warrant, I called Milton Hirsch and asked what he should do. The first thing he said to me was "Why didn't he change his name. Tell him to stay where he is because if he comes back, he is going to go to prison for a very long time. Have him hire an attorney there." Milton Hirsch had constant communications with Sean's attorney in Chile (I have copies of the e-mails). He did not want him to come back to the country because he knew that telling Sean to flee is a crime and Mr. Hirsch did not want to get caught. There is not one e-mail or letter in Mr. Hirsch 's files that tells Sean to come back and work this out because he didn't want him to. You are welcome to check the copies of Milton Hirsch 's files.

The judge mentioned that Milton Hirsch said in our meeting that there were a lot of depositions that had to be done. Why then, when Sean came back and was going to trial, none of those depositions were done. I have the list of depositions Mr. Hirsch was supposed to do (from his files) and you can check the court files that none of them were done in preparation for trial - Not One! Why? Because Milton Hirsch had no intention of going to trial.

At Sean's first motion for post conviction relief hearing, Milton Hirsch and Dr. Rappaport committed perjury on the stand elicited by Gail Levine and no one seems to care. I know this because I heard with my own ears what Milton Hirsch and Dr. Rappaport said to Sean and me in their offices. Sean's attorney Marcia Silvers asked Katherine Fernandez Rundle to investigate the perjury, but no one did anything about it.

I spoke to the judge at the hearing on Tuesday stating that fact. If someone from the Miami Herald was there, they would have heard what I said to the court. I was in the meetings with Milton Hirsch and Dr. Rappaport . I know what was said and what was said in court. Ms. Levine also tried to get me to say something that was different from what was said in the meeting, but I said I know what he said and I told the truth. How could the courts allow that to happen? What good is having individuals swear that they will tell the truth if they lie.

Ms. Silvers filed a motion for post conviction relief citing the DNA evidence and introducing the letter Sean wrote Mr. Hirsch in November 2003 mentioned above, but the judge denied it because he said we should have known this evidence when Sean 's attorney, David S. Markus , filed the first motion for post conviction relief. How could we have known it if Mr. Hirsch never told us about the DNA report? It took us months to get the files from Milton Hirsch where we found the DNA Analysis Report. He made it very difficult for us to get copies of his files. As far as the letter goes, it was in Sean's files in Chile and I didn't find it until I went there after the hearing to take care of his personal effects.

Mr. Hirsch started telling Sean to flee in November, 2003 (I will send you the letter if you don't have it). When Sean wouldn't do it, he had him see Dr. Rappaport in January 2004 - who would try very hard to convince Sean to flee - saying Milton will say this, and Milton will say that when you don't show up for court.

Mr. Grimm , I understand someone has died, but Sean could not have been the driver and we have proof. I know what it means to have someone die in a car accident. My mother died in a car accident 4 months before Sean was born. My father was driving the car. So I do know how it feels and Sean knows how it feels growing up without a loving grandmother.

I honestly don't understand why no one from the Miami Herald interviewed me, Sean, his attorney or did an article before this time. I know I sent several e-mails to you asking for you to interview Sean or me. Why would I have done that unless I wanted the truth to come out? Why would I have gone into debt hiring attorneys if this was not all true? I was shocked when I saw your article on the morning of the hearing and Mr. Ovalle's article yesterday, but I didn't see anyone from the Miami Herald in the courtroom and I know who was there. I know this is a long e-mail, but I felt you had to know the truth and the facts about this case.

I feel bad for the community of Miami if Milton Hirsch is elected judge. He knows how to get people to like him. I know how he can lie and get away with it. No one can believe that Milton Hirsch would ever do anything dishonest.

Dr. Rappaport is another story. Even Mr. Alvarado of the Miami New Times states "it is rather unsettling that prominent criminal defense lawyers like Milton Hirsch would refer clients to a therapist with some very serious problems in his past." In our meeting Dr. Rappaport went on for a solid hour about how Sean should flee, how he should do it, how I

should have no contact with Sean , what Milton will say if Sean does not show up in court, etc.

I cannot quote what is on the tapes because they are now sealed and I have been ordered not to disclose what is on the tapes, but I can say that I hope that one day the tapes will be made available to everyone. Apparently, the newspapers don't even care.

It is interesting because I was reading comments on the Justice Building Blog - one comment says "Why such a rush to seal tapes that say nothing?" Another said "The media should be able to listen to the tapes." What is that telling you?