

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION

THE STATE OF FLORIDA,

Plaintiff,

v.

SEAN CASEY,

Defendant.

---

CASE NOS.: F01-07975  
F06-032696

JUDGE THORNTON

**NOTICE OF FALSE REPRESENTATIONS MADE  
BY THE STATE AND ITS WITNESSES**

The Defendant, SEAN CASEY, *pro se*, respectfully submits this "Notice of False Representations Made By The State and its Witnesses" at post-conviction hearings in the above-captioned cases and asks the Honorable Court to review the facts and exhibits presented herein, take the proper measures it deems just, and maintain this Notice in the court file.

Introduction

At the conclusion of the evidentiary hearing on the Defendant's first Motion to Vacate Conviction and Sentence held on January 8, 2007, Assistant State Attorney Gail Levine called the Defendant a "liar." (1-8-07 Hearing Transcript at 169). In fact, throughout the hearing she attempted to paint a negative picture of the Defendant, which the Court ultimately accepted by finding his testimony "on all points complained of, to be unworthy of belief." (3-2-07 Ct. Order denying motion).

This Notice will attempt to correct the record on various false representations made by the State and its witnesses during that post-conviction hearing and others, as follows:

Facts and Evidence

(1) At the evidentiary hearing, Ms. Levine questioned the Defendant about allegedly obtaining a second passport used to flee the country while out on bond awaiting trial because she thought his original passport was in the custody of the Court at the moment the Defendant fled:

Q. And every time you needed to travel, you needed to take a passport?

A. That is correct.

Q. And your passport was surrendered to the Court?

A. It was given back to me.

Q. Every time you wanted to travel?

A. No. It was given back to me. I had it in my possession...

Q. Did you put the passport back into the court file or to the clerk?

A. I follow[ed] my attorney's instructions.

\* \* \* \* \*

Q. Let me ask you, every time you came to court, didn't you have to retrieve your passport from the clerk of court?

A. No. I held on to my passport.

Q. You held on to your passport? So why was there evidence submitted *each and every time* after you left?

A. I'm not aware of any evidence submitted. I'm not aware.

\* \* \* \* \*

Q. So isn't it true, Mr. Casey, that you didn't have just one passport, you have two passports?

A. I do not.

(1-8-07 Hearing Transcript at 35-37).

Therefore, Ms. Levine attempted to lead the Court to believe that the Defendant was lying about retaining his original passport. She believed his original passport was in custody and that the Defendant sneakily obtained a second passport, which the Defendant used to leave the country. The Defendant's former trial counsel, Milton Hirsch, testifying for the State at the hearing, gave weight to this incorrect theory when he testified he was "stunned" when Ms. Levine told him about this. Hirsch told the judge he thought this shows the Defendant was a "manipulative individual." (1-8-07 Hearing Transcript at 118-119, 130). However, Hirsch should not have been "stunned" at all if he had examined his own files and reviewed the court docket. He may have remembered the following facts.

Judge Trawick had denied the Defendant's first motion for leave to travel on June 13, 2001, and it was not until he granted the Defendant's motion to suppress evidence on December 28, 2001, that he changed his position on the Defendant traveling and began to consistently grant his motions for leave to travel.

Attached, in Exhibit 1, is the first order granting the Defendant's motion for leave to travel signed on January 9, 2002. Judge Trawick handwrote on the order that "the Defendant shall return the passport to the Clerk of Court on the next business day after he returns from the approved travel," which the Defendant did on January 28, 2002. (See docket in Case No. F01-07975).

Shortly thereafter, on February 6, 2002, the Defendant needed to travel again. Hirsch quickly became aware that because of the Defendant's work, which required constant travel to

Latin America, it would be extremely cumbersome for the Clerk to have to release and receive the passport after each trip. Hirsch expressed this sentiment to Judge Trawick, who agreed. In the next order granting leave to travel signed on February 11, 2002, Judge Trawick omitted the requirement to return the passport upon the Defendant's return and, in fact, ordered the Clerk of Court "to return the original passport to Defendant." (See Exhibit 2). This is why there is no such evidence submitted thereafter, contrary to Ms. Levine's misrepresentation to the Court that "there was evidence submitted *each and every time*" when the Defendant returned. A review of the court docket will show this is simply not true.

Therefore, the Defendant's testimony was truthful. Yes, the Defendant did apply for a new passport in 2003 because the Defendant had lost his original passport while moving apartments in Miami but this was not a "manipulative" action on his part. Why would the Defendant bother to get a second passport in 2003 if the Defendant could travel on the original passport returned to the Defendant by the Court in 2002?

(2) Another recurring misrepresentation by the State is that the Defendant was "extradited" back to the United States. Ms. Levine elicited the following testimony from the Defendant at the same evidentiary hearing:

Q. And [Chile] never *extradited* anyone until you since the 1800s?

A. That's not correct. That's not correct.

\* \* \* \* \*

Q. When you returned to this country through the *extradition* process, you immediately saw Mr. Hirsch, didn't you?

A. There was no extradition process.

Q. You waived?

A. No, I did not. The United States never requested extradition.

(1-8-07 Hearing Transcript at 45-46).

Even at the recent hearing on July 29, 2009, the State again misrepresented to the Court that the Defendant was extradited and scoffed at the notion that the Defendant was merely deported. In Exhibit 3 is a letter from the Defendant's Chilean attorney, Patricio Gonzalez Marin of the law firm of *Caceres, Cortes & Leva*, explaining that the U.S. Government **never** requested extradition and that the Defendant was "deported" since the Chilean Government would not renew his residency visa because of the arrest warrant in Miami.

This letter also explains that Hirsch knew full well that his assistance in providing much needed affidavits to Casey's attorney in Chile was to help the Defendant stay in Chile, thus refuting Hirsch's bogus explanation that when he sent affidavits to Chile he thought he was assisting in "extradition" proceedings. (1-8-07 Hearing Transcript at 116-117). Hirsch was lying. Hirsch further lied to the Court when he testified:

Hirsch: My understanding of my legal obligation was that I could do **nothing** for Mr. Casey except to inform him that I would assist him in returning him to the United States to face justice.

(1-8-07 Hearing Transcript at 115). By sending the affidavits, which Hirsch knew were to be used to keep Casey from returning to the United States, Hirsch contradicts his own testimony to the Court in an obvious effort to cover up his involvement in Casey's flight.

Furthermore, in Exhibit 4, you will find a chart from the Chilean Supreme Court listing all the extraditions between 2000 and 2008. You will **not** find the Defendant's name as being among those extradited. If the United States had requested extradition, there would have been extradition proceedings in the Supreme Court of Chile, which never took place.

Therefore, the Defendant was not the first person to be extradited from Chile since the 1800s! The Defendant was never extradited. The State misrepresented the facts to the Court. The Defendant's testimony was truthful.

(3) On a similar note, in the State's Notice of Intent to Rely on Evidence of Other Crimes, Wrongs, or Acts, filed on or about September 18, 2006, Assistant State Attorney Alison Haney wrote the following:

On August 31, 2006, the alias *capias* was served upon the Defendant after the Defendant was found in Chile, South America ***attempting to leave on a flight to Buenos Aires***. The Defendant was later extradited to Miami-Dade County.

(See Exhibit 5).

The State committed perjury. This statement by Ms. Haney is outright ludicrous. The Defendant recently shared this with his Chilean attorney and he was shocked that prosecutors in this country, which supposedly has the most respected justice system in the world, can get away with blatantly lying to the Court, and worse, the Court allows this to happen.

The truth is, while residing in Chile, the Defendant was never hiding. When the Defendant's Chilean attorney advised him that his application for a visa renewal was denied, he told the Defendant he had to present himself to Chilean Immigration and be in custody for the Supreme Court to hear his petition opposing the deportation order.

On August 15, 2006, the Defendant was detained by Chilean Immigration officials and, upon the Court's rejection of his petition, Chilean Immigration officials escorted the Defendant on a flight to Miami, not U.S. Marshals, which would have been the case if the Defendant were extradited. At no point was the Defendant "attempting to leave on a flight to Buenos Aires." The State completely fabricated this information to mislead the Court.

Moreover, in an Amended Discovery Exhibit filed by Ms. Haney on or about September 20, 2006, the State included as witnesses "FBI AGENTS WHO TRANSPORTED THE DEFENDANT (CONTACT INFORMATION TO BE PROVIDED)." (See Exhibit 6). This shows the State even attempted to bring false witnesses into the case. No wonder the State could not provide contact information; these agents do not exist! As previously mentioned, the Defendant was transported unrestrained on a commercial flight by two Chilean Immigration officials, **not** FBI agents. It is standard procedure for Chilean officials to escort any foreigner who has been deported back to his or her country of origin, as does the U.S. when this country deports foreigners. The Defendant was not apprehended by U.S. authorities (Metro-Dade Police) until he passed through Immigration at Miami International Airport.

(4) During the evidentiary hearing, Ms. Levine attempted to elicit testimony from the Defendant that his flight was a result of the Court's denial of his *Frye* motion to dismiss the glass evidence, which she considered was the final blow to his case.

Q. And you know from the many discussions that you had with Mr. Hirsch that that glass was critical. Correct?

A. Yes.

Q. And Mr. Hirsch went so far as to ask for a special hearing to determine whether the glass would be admissible in court in front of a jury. Remember that?

A. Yes.

Q. Because not only do you remember that, but you had to come to court some three separate times for all day hearings?

A. Yes.

Q. And after that in June 2004, Judge Trawick ruled against you in that matter; isn't that correct?

A. That, I was not aware of.

Q. Well, you certainly were aware, Mr. Casey, that the glass was coming in against you, weren't you?

A. No, I wasn't.

Q. You weren't?

A. Uh-uh, I was not.

Q. Is that because you had already fled?

A. That's correct.

Q. I don't think so, Mr. Casey, because you remember going to Mr. Hirsch's office with your small pocket tape recorder, didn't you?

A. No, I do not.

(1-8-07 Hearing Transcript at 38-39).

The truth is the meetings with Hirsch and Rappaport were held on May 12 and 13, 2004, respectively. In Exhibit 7, there is a copy of the Defendant's passport that shows the date he entered Chile, or alternatively, left the United States. The date of the entry stamp is May 19, 2004, only 6 days after these meetings. Judge Trawick's negative ruling on the *Frye* motion was not handed down until June 9, 2004.

Therefore, the denial of the *Frye* motion could **not** have been a factor in the Defendant's flight. The more obvious factor causing the Defendant's flight would be something that was told to him or advice given during those May 2004 meetings, and previous meetings, with Hirsch and Rappaport.

Again, the Defendant's testimony was completely truthful and accurate.

(5) The Defendant also calls the Court's attention to one of the affidavits Hirsch sent to the Defendant's Chilean attorney to keep the Defendant from returning to the United States to face justice, in particular, Point #5, where Hirsch writes:

5. Shortly before trial was scheduled to begin, Mr. Casey *disappeared*. His *disappearance* was entirely unexpected and I was concerned that he might have come to harm.

(See Exhibit 8).

If Hirsch was so concerned the Defendant might have "come to harm," why did he not call the Defendant's mother, or even his work, to see if he was okay on the day he did not appear in court? Hirsch testified:

Q. Did you make any efforts to find him?

A. No. I had no means to find him.

\* \* \* \* \*

Q. Mr. Hirsch, why didn't you call the mother and see if he was alive or dead?

A. I had no contact with the mother at that point. I probably should have called her.

(1-8-07 Hearing Transcript at 113).

Is this really credible? Also, notice should be given in the affidavit to the odd word choice of "disappeared" Hirsch used to describe the Defendant's flight.<sup>1</sup> Is it a coincidence he used the same word during his May 2004 meeting with the Defendant and his mother when he wished the Defendant disappear as the Defendant and his mother testified? Definitely not.

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<sup>1</sup> Hirsch also used the word in Point #6 in his affidavit, which reads:

6. When it became clear to the court that Mr. Casey *disappeared*, a warrant was issued for the arrest.

Hirsch obviously equates “disappearing” with “fleeing” and the State has evidence that the Defendant did exactly what Hirsch wished he did.

(6) On the appeal of the denial of the Defendant’s Rule 3.850 motion on the ground that Hirsch was ineffective for not calling him as a witness at the suppression hearings to refute police officer testimony, the State argued the following:

Counsel further testified that he consulted with Appellant about the decision to forego the presentation of evidence at the hearing, made a strategic choice not to call Appellant as a witness at the suppression hearing because the facts were “scarcely in dispute,” *and that Appellant did not object to this decision.*

(1-14-09 State’s Answer Brief in Case No. 3D08-510 at 31).

The fax letter the Defendant sent to Hirsch on December 17, 2001, in Exhibit 9, before the Court ruled on the suppression motions, will show without any doubt that the Defendant did **not** agree with Hirsch and that the facts were **not** “scarcely in dispute.” Again, Hirsch provided false testimony.

(7) At the evidentiary hearing, Hirsch testified that no plea deal was ever offered in this case prior to the day trial was set to begin. (1-8-07 Hearing Transcript at 124-125). Then, how can the State explain the letter that Hirsch sent the Defendant, in Exhibit 10, where Hirsch writes:

The State *has offered* eight years; however, Michael [Haber] thinks [Assistant State Attorney] Granoff might go down a year or two.

Was Hirsch lying to the Defendant? This seems to have been a pattern in Hirsch’s representation of his client.

(8) Finally, at the evidentiary hearing, Hirsch employed his well-known theatrical skills in the courtroom when he testified<sup>2</sup>:

Ms. Levine, I didn't tell him to get drunk. I didn't tell him to run over Ms. Montgomery. I didn't tell him to flee the country and I didn't tell him to make up stories. I didn't tell him any of those things.

(1-8-07 Hearing Transcript at 119).

However, just three months earlier, and two weeks before the Defendant accepted the plea, Hirsch sent the Defendant the letter in Exhibit 11. It reads, in part:

[John Buchanan, an expert accident reconstructionist and former Miami-Dade Police traffic homicide detective] is very able to testify that you were *not* in the driver's seat at the time of the accident.

Also, 8 days later, Hirsch prepared a Memorandum in Opposition to State's Notice of Intent to Introduce Evidence of Defendant's Flight in which he argued the Defendant's flight was **not** an admission of guilt but rather "a product of his fear of being *wrongfully* convicted..." (See Exhibit 12).

Although the Defendant is not at liberty to disclose what Hirsch said on the tape recording of the May 2004 meeting between the Defendant, his mother and Hirsch, currently under seal in this Court, the Defendant does remember from being a participant in the conversation that Hirsch never once questioned the Defendant's innocence but rather told the Defendant that he believed in him.

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<sup>2</sup> In a Broward/Palm Beach New Times article published on September 13, 2007, about Hirsch's representation of Broward County Commissioner Keith Wasserstrom on trial for corruption, journalist Bob Norman called Hirsch the "ringleader" of a "shameless charade." He continued, "[Hirsch] showed his ability that all great hucksters must possess...The shameless Hirsch stood in the courtroom as you could easily imagine him on the side of the road selling snake oil to a rapt crowd." Hirsch's client was convicted.

What happened in the Defendant's case in the short period of time between October 2006 and January 2007 for Hirsch to go from believing in the Defendant's innocence to proclaiming his guilt? Only the filing of the Defendant's Motion to Vacate Conviction and Sentence accusing Hirsch of advising him to flee. Hirsch's testimony declaring the Defendant guilty, despite having personal knowledge of evidence that shows otherwise, can only be explained by his desire to divert attention from his own wrongdoing.

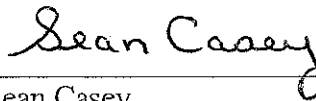
Conclusion

During the Defendant's recent court appearances in July and August 2009, the Defendant observed on the courtroom wall a plaque that reads:

WE WHO LABOR HERE SEEK ONLY THE TRUTH

This Notice, which the Defendant asks that the Honorable Court review, take the proper measures it deems just, and maintain in the court file, will shed some light on this case so that the State and the Court know that the Defendant is not a "liar" as expressed by the State's attorney at the January 8, 2007 evidentiary hearing and that his testimony at that hearing was not "unworthy of belief" as expressed in the Court's order denying the Defendant post-conviction relief.

Respectfully submitted,



Sean Casey  
DC#B03942  
New River Correctional Institution  
7819 N.W. 228<sup>th</sup> Street  
Raiford, Florida 32026

CERTIFICATE OF SERVICE

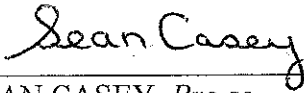
I HEREBY CERTIFY that on October 20, 2009, I handed a true and correct copy of the foregoing Notice to the legal mail collection officer at New River Correctional Institution for delivery by U.S. mail to:

Gail Levine  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

Alison Haney  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

Angelica D. Zayas  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

John N. Perikles  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

  
\_\_\_\_\_  
SEAN CASEY, *Pro se*

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION

THE STATE OF FLORIDA,

Plaintiff,

v.

SEAN CASEY,

Defendant.

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CASE NOS.: F01-07975  
F06-032696

JUDGE THORNTON

**EXHIBITS TO**  
**NOTICE OF FALSE REPRESENTATIONS MADE**  
**BY THE STATE AND ITS WITNESSES**

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# EXHIBIT

1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY

CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO. F01007975

Plaintiff,

vs.

SEAN CASEY,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO TRAVEL**

THIS CAUSE having come upon Defendant Casey's Motion for Leave to Travel, and the Court having heard argument and being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows: Defendant's Motion is GRANTED. The Clerk of the Court is directed to retain a copy of Mr. Casey's passport and to return the original

passport to Defendant. *The Defendant shall return the passport to the Clerk of the Court on the next business day after he returns from the approved travel.*  
SO ORDERED this 9 day of January, 2002.

Daryl E. Trawick,  
Circuit Court Judge

THE HON. DARYL TRAWICK

Copies furnished to:

Office of the State Attorney  
Milton Hirsch, P.A.

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that the foregoing is a true and correct copy of the  
original on file in this office. JAN 14 2002 AD 23  
HARVEY RUVIN, Clerk of Circuit and County Courts

Deputy Clerk O. Hernandez  
0594



# EXHIBIT

2

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY

CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO. F01007975

Plaintiff,

vs.

SEAN CASEY,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO TRAVEL

THIS CAUSE having come upon Defendant Casey's Motion for Leave to Travel, and the Court having heard argument and being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows: Defendant's Motion is GRANTED. The Clerk of the Court is directed to retain a copy of Mr. Casey's passport and to return the original passport to Defendant.

SO ORDERED this 11 day of February, 2002.

  
\_\_\_\_\_  
THE HON. DARYL TRAWICK

Copies furnished to:

Office of the State Attorney  
Milton Hirsch, P.A.

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that the true and correct copy of the  
original of the within office 2-12-2002  
HARVEY RUBIN Clerk of Circuit and County Courts

Deputy Clerk 

32914



# EXHIBIT

3

Av. Apoquindo 3721, of. 33  
Santiago - Chile  
Fono (56 2) 263 26 73  
Fax (56 2) 321 72 90  
www.cclabogados.cl

Victoria Subercaseaux 121, of. 101  
Santiago - Chile  
Fono (56 2) 263 26 73  
Fax (56 2) 321 72 90

October 25, 2006

Office of the State Attorney  
Miami, FL

Dear State Attorney,

The undersigned certifies serving as legal counsel for Sean David Casey in Santiago, Chile, in his case to appeal a deportation order from the Chilean Minister of the Interior because of an international arrest warrant.

Our law office sought and received the collaboration of Mr. Casey's attorney in Miami, Florida, Mr. Milton Hirsch. Mr. Hirsch understood that the objective of our case was for Mr. Casey not to be deported and to obtain legal residency in Chile. In June, 2006, Mr. Hirsch sent us a copy of the case docket from the Miami-Dade Circuit Court and in August, 2006, to assist our case, Mr. Hirsch sent a certified affidavit to us informing that Mr. Casey was never tried or convicted for the charges against him in the United States.

Also, Sean Casey informed us that upon finding out about the international arrest warrant he contacted Mr. Hirsch in October, 2005, to obtain legal advice as to how to proceed. As Mr. Hirsch states in the affidavit, the State Attorney's Office never responded to him after repeated attempts to contact them.

Furthermore, undersigned counsel did not consider Mr. Casey a fugitive of justice since he never disguised his identity in Chile, he was completely transparent and complied with all local laws and regulations and he would have complied with extradition had it been requested from the United States and ordered through official channels established by international law.

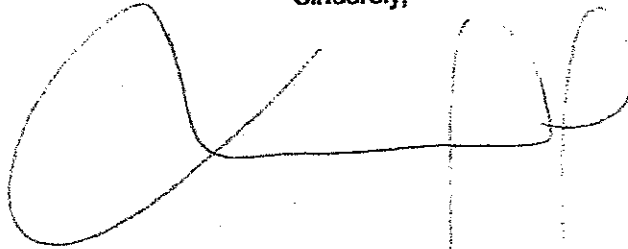
The United States government never requested that Sean Casey be extradited to face prosecution in that Country.

Av. Apoquindo 3721, of. 33  
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Fax (56 2) 321 72 90  
www.cclabogados.cl

Victoria Subercaseaux 121, of. 101  
Santiago - Chile  
Fono (56 2) 263 26 73  
Fax (56 2) 321 72 90

It is my expert opinion that Sean Casey acted upon the professional advice of his attorney, Milton Hirsch, in failing to appear in court in Miami and subsequently seeking permanent residency in Chile, and that he would have complied with an extradition order to put an end to this case. It is also important to mention that Sean Casey has strong ties with Chile since the 1990s and has no criminal record in this country. Mr. Casey intends to return to Chile immediately after his case is closed in the United States and the deportation order lifted by the Chilean Government.

Sincerely,

A handwritten signature in black ink, consisting of a large loop on the left, a horizontal line across the middle, and a smaller loop on the right.

Patricio González Marín

# EXHIBIT

4

## EXTRADICIONES PASIVAS CORTE SUPREMA DESDE 2000

Fecha Ing.	Rol	Ministro Ins.	País requerente	Requerido	Delito	No se tramita Motivo	Fecha	Resultado	Sentenc. 1°	Fecha	Resultado	Sentenc. 2°
1/10/2000	1		Perú	Bernuy Anicama Sergio	Tráfico de drogas	No habido	1/21/2000	-	-	-	-	-
2/8/2000	2		Perú	Torres Ilturra Luis	Tráfico de drogas	-	-	Se rechaza	-	1/30/2006	Aprobada	3/22/2006
2/18/2000	3		Italia	Iurriaga Neumann Eduardo	Intentiva homicidio	-	-	Se rechaza	-	10/3/2000	Confirmada	11/8/2000
3/3/2000	4		Argentina	Sanz Walter Oscar	Robo y otro	-	-	Se acoge	-	1/29/2001	Aprobada	3/5/2001
4/10/2000	5		Perú	Escalante Chavez Luis	Tráfico de drogas	Desistido Est. Requer.	12/21/2000	-	-	-	-	-
4/25/2000	6		Argentina	Carter Salazar David	Tráfico de drogas	-	-	Se rechaza. Debe ser Jdo. En Chile	-	12/26/2000	Revocada. Se acoge y debe ser Jdo. En Chile.	3/27/2001
5/5/2000	7		Argentina	Herrera Krell Claudio	Tráfico de drogas	-	-	Se rechaza. Cumple pena en Chile	-	10/30/2000	Aprobada	12/4/2000
5/22/2000	8		Argentina	Millán Robles Rita	Homicidio culposo	-	-	Se acoge. Debe ser Jdo. En Chile	-	2/6/2001	Confirmada	3/8/2001
5/31/2000	9		Italia	Ramos Huenqueo Marco	Homicidio	-	-	Se rechaza	-	3/13/2001	Aprobada	3/22/2001
6/2/2000	10		Argentina	Montiel Martínez Miguel	Contrabando	-	-	Se acoge. Debe ser Jdo. En Chile	-	1/4/2001	Aprobada c/ Declar.	3/2/2001
7/11/2000	11		Italia	Grosina Luigi	Tráfico de drogas	-	-	Se concede	-	11/10/2000	Revocada. Debe ser Jdo. En Chile.	12/28/2000
7/31/2000	12		Argentina	Carissimo Alonso Pablo	Tráfico de drogas	Det. Paraguay. Archivo	1/19/2005	-	-	-	-	-
7/31/2000	13		Perú	Fernández O. Fernando	Tráfico de drogas	-	-	Se acoge. Diferido	-	12/27/2000	Confirmada	-
8/11/2000	14		Perú	Campos Mejo Carlos	Tráfico de drogas	-	-	Se rechaza	-	8/14/2001	Aprobada	9/13/2001
9/20/2000	15		Argentina	Carrasco Salgado Guillermo	Homicidio culposo	-	-	Se acoge. Debe ser Jdo. En Chile	-	12/21/2000	Aprobada	1/11/2001
10/4/2000	16		Italia	Tapia Albornoz Hugo	Tráfico de drogas	Desistido Est. Requer.	1/25/2001	-	-	-	-	-
10/24/2000	17		Perú	Acosta González Jaime	Tráfico de drogas	-	-	Se acoge. Diferido	-	7/10/2001	Aprobada	7/30/2001
10/24/2000	18		Italia	Calderón Cáceres Arturo	Homicidio y robo	-	-	Se acoge. Diferido	-	7/4/2001	Confirmada	7/24/2001
10/25/2000	19		Argentina	Galabrano Sellinas Gino	Contrabando	-	-	Se rechaza	-	5/10/2001	Aprobada	5/31/2001
11/8/2000	20		Argentina	Pinochet Ugarte Augusto	Asoc. ilícita y otr.	-	-	Se rechaza	-	7/12/2002	Revocada. Se acoge y debe ser Jdo. En Chile.	12/2/2002
12/7/2000	21		Argentina	González Martínez Luis	Falsificación	-	-	Se rechaza. Debe ser Jdo. En Chile	-	10/22/2001	Aprobada	11/6/2001
12/27/2000	22		Italia	Valenzuela Orellana Ana	Tráfico de drogas	-	-	Se acoge. Cumple pena en Chile	-	5/22/2001	Revocada y se deniega	9/5/2001
12/27/2000	23		Argentina	Soleo Garay Dionisio	Tráfico de drogas	Desistido Est. Requer.	11/30/2001	-	-	-	-	-
1/9/2001	1		Italia	Pérez Ramón Nelson	Tráfico de drogas	Inadmisible	6/12/2001	-	-	-	-	-
1/23/2001	2		Argentina	Rosa Roland Gabriela y ot.	Estiata	-	-	Se acoge. Diferido	-	11/7/2001	Confirmada	11/21/2001
2/6/2001	3		Argentina	Cosío Peraita Jacinto	Homicidio	-	-	Se rechaza extradiación	-	5/3/2002	Aprobada	5/16/2002
4/6/2001	4		Argentina	Ariste Vargas Jose	Falsificación	Inadmisible	6/6/2001	-	-	-	-	-
4/5/2001	5		Argentina	Casillo Marcelo	Estiata	No habido. Archivo	6/14/2001	-	-	-	-	-
4/17/2001	6		Argentina	Figueras Jose Flaminio	Homicidio y robo	-	-	Se acoge. Diferido	-	11/2/2001	Confirmada	12/31/2001
4/30/2001	7		Brasil	Ubéda Farias José Sergio	Falsificación	-	-	Se rechaza	-	7/31/2002	Aprobada	9/2/2002
4/30/2001	8		Francia	Concha Rodríguez Carlos	Sustrac. Di. menor	Archivo. Det. En Arg.	3/5/2002	-	-	-	-	-
5/10/2001	9		Argentina	Contreras Sepulveda Manuel	Asoc. ilícita y otr.	Inadmisible	3/27/2002	-	-	-	-	-
5/28/2001	10		Argentina	Vargas Gallardo Victor Hugo	Homicidio	Devuelta al Mtree.	6/6/2001	-	-	-	-	-
6/4/2001	11		Argentina	Camarota Adrien Javier	Infr. Ley aduana	No habido	9/28/2002	-	-	-	-	-
6/4/2001	12		Italia	Tapia Calderón Daniel	Homicidio	Inadmisible	6/18/2001	-	-	-	-	-
6/18/2001	13		Argentina	Núñez Castillo Carlos	Lesiones leves	Archivado	10/1/2001	-	-	-	-	-
6/18/2001	14		Argentina	Núñez Cordova Manuel	Robo y otro	-	-	Se rechaza. Cumple pena en Chile	-	8/28/2002	Aprobada	9/17/2002
6/28/2001	15		Bélgica	Lodis Cordoves Marcelo	Falsificación	-	-	Se rechaza	-	10/29/2001	Confirmada	11/20/2001
6/29/2001	16		Argentina	Becerra Omar Ernesto	Estelionato	No se formaliza	10/5/2001	-	-	-	-	-
8/9/2001	17		Perú	Bonobio Guede Ederardo	Peculado y otros	-	-	Se rechaza	-	8/6/2002	Confirmada	10/7/2002
8/20/2001	18		Argentina	Pinochet Ugarte Augusto	Asoc. ilícita y otr.	Se rechaza solicitud de	9/5/2001	-	-	-	-	-
8/30/2001	19		Italia	Fuentes Cancino Manuel	Tráfico de drogas	Inadmisible	9/1/2001	-	-	-	-	-
8/30/2001	20		Uruguay	Sandoval Vergara Ana	Homicidio	-	-	Se rechaza. Cumple pena en Chile	-	8/27/2002	Confirmada	10/1/2002
10/19/2001	21		Argentina	Salinas Carlos Manuel	Tráfico de drogas	-	-	Se rechaza. Cumple pena en Chile	-	8/27/2002	Confirmada	10/1/2002
10/28/2001	22		Argentina	Riveros Esperza Angel	Tráfico de drogas	Inadmisible	6/6/2002	-	-	-	-	-
11/9/2001	23		Italia	Caizolo Luigi	Quiebra fraud.	Inadmisible	11/29/2001	-	-	-	-	-
12/13/2001	24		Argentina	Pinto Martínez Sabastian	Evasión Tribul.	-	-	Se rechaza	-	7/25/2002	Aprobada	8/13/2002
12/20/2001	25		Argentina	Rojas Devia Hernán	robo	-	-	Se acoge extradiación	-	12/1/2002	Confirmada	1/28/2003

Fecha Ing.	Rol	Ministro Ins.	País requeriente	Requerido	Delito	No. se tramita	Fecha	Resultado	Sentenc. 1ª	Fecha	Resultado	Sentenc. 2ª
1/4/2002	1		Uuguay	Lewkowicz Luis	Estafa	-	-	Se rechaza	-	10/17/2002	Aprobada	11/26/2002
1/14/2002	2		Argentina	Ovarzún Mansilla Juan	Lesiones culposas	Inadmisible	1/17/2002	-	-	-	-	-
2/7/2002	779		Argentina	Dijle Horacio Damián	Homicidio	-	-	Se rechaza	-	3/1/2003	Aprobada	4/29/2003
3/1/2002	1343		Argentina	Mellado Santiago	Homicidio	-	-	Se rechaza	-	10/21/2002	Confirmada	10/29/2002
3/14/2002	1344		Argentina	Spencer Guzmán Virginia	Tráfico de drogas	-	-	Se rechaza	-	9/30/2002	Aprobada	10/14/2002
5/2/2002	1458		Perú	Vásquez Casas Julio	Homicidio	-	-	Se acco. Diferido	-	11/15/2002	Confirmada	11/25/2002
5/24/2002	1755		Argentina	Jara Juan Marcelo	Violación	Inadmisible	10/7/2002	Se rechaza	-	5/18/2005	Aprobada	7/19/2005
6/10/2002	2001		Argentina	Soto Díaz María Dalina	Contrabando	-	-	Se rechaza	-	5/6/2003	Aprobada	5/20/2003
6/10/2002	2000		Argentina	Arriagada Rojas Luis	Homicidio	-	-	Se rechaza	-	-	-	-
6/13/2002	2050		España	Triane Rodríguez Carlos	Tráfico de drogas	Inadmisible	7/8/2002	Se rechaza	-	5/29/2003	Aprobada	6/19/2003
5/14/2002	2098		Argentina	Guida Rafael Guillermo	Evasión Tribut.	Se omite pronunc.	7/8/2002	-	-	-	-	-
8/23/2002	3144		Brasil	Lartigas Pinto Nelson	Tráfico de drogas	-	-	Se rechaza	-	7/31/2003	Confirmada	8/19/2003
8/30/2002	3264		Brasil	Neuwirthoff Willy	Tráfico de drogas	-	-	Se acco. Diferido	-	1/3/2007	Aprobada	1/17/2007
9/5/2002	3384		Argentina	Vargas González Carlos	Tráfico de drogas	-	-	Se rechaza	-	12/18/2003	Confirmada	1/15/2004
9/27/2002	3699		Argentina	Velázquez Velázquez Boris	Homicidio	-	-	Se accede	-	-	-	-
10/1/2002	3751		Alemania	Helmich Hack	Violación	-	-	Se desecha	-	11/20/2003	Confirmada	1/21/2004
10/8/2002	3843		Argentina	Krilling Ernesto Pablo	Insv. Fraudulent.	-	-	No ha lugar a extrad.	-	12/31/2002	Aprobada	1/27/2003
10/23/2002	4090		Argentina	Bellrán Lemus Marcelo E.	Contrabando	-	-	Se accede	-	8/8/2005	Revoca	10/18/2005
11/4/2002	4292		Argentina	Angulo Ortega Florentino	Abuso sexual	-	-	Se rechaza. Dbe ser Jdo. En Chile	-	10/31/2003	Aprobada	1/26/2004
11/7/2002	4353		Perú	Borobio Guede Edgardo	Peculado y otros	-	-	Se rechaza	-	3/1/2005	Confirmada	4/26/2005
11/21/2002	4588		Argentina	Pinto Marfinez Sebastian	Evasión Tribut.	-	-	Rechazada de plano	-	11/27/2002	Aprobada	1/28/2003
11/24/2002	4788		Argentina	Vargas Gallardo Victor Hugo	Homicidio	-	-	Se accede	-	7/4/2003	Confirmada	8/5/2003
12/12/2002	4916		Argentina	Aranda Vivian Ruth	Tenencia de arma	Desistido Est. Requir	4/23/2004	-	-	-	-	-
12/31/2002	5172		Corea	Yoon Suk Dong	Fraude y otros	-	-	Se rechaza	-	10/31/2003	Aprobada	12/4/2003
1/8/2003	99		Argentina	Cornejo Cornejo Fabian Andrés	Robo en tentativa	-	-	Concedida / Argentina	-	6/4/2004	Confirmada	7/12/2004
1/8/2003	100		Argentina	Mella Soto Oscar Antonio	Robo en tentativa	Acumulada a 99-03	11/24/2003	-	-	-	-	-
2/20/2003	723		Argentina	Ibañez Fernando Roberto	Falsificación	-	-	Se accede	-	7/15/2003	Revoca. No se hace lugar a ext.	8/13/2003
5/14/2003	1829		Argentina	Tiempo Galindo Rogando	Contrabando	Desistido Est. Requir	7/7/2005	-	-	-	-	-
5/29/2003	2078		Moldavia	Dencenco Alexandre	Homicidio	Devuelta al Mree.	6/6/2003	-	-	-	-	-
6/6/2003	2213		España	Silva Vial Ramiro	Terrorismo	-	-	Rechazada/España	-	8/19/2004	Aprobada	9/9/2004
6/6/2003	2214		Perú	Neumann Terán Héctor	Estafa y otro	Inadmisible	1/28/2004	-	-	-	-	-
6/12/2003	2299		Argentina	Sierañá Leonor Adrían	Secuestro y robo	-	-	Rechazada / Argentina	-	6/21/2005	Aprobada	8/2/2005
7/9/2003	2742		Argentina	Callejas Mariana y otro	Homicidio y otro	-	-	Rechazada / Argentina	-	7/18/2005	Aprobada	8/23/2005
8/5/2003	3159		Argentina	Perez José Luis	Robo c/ arma	Devuelta al Mree.	8/8/2003	-	-	-	-	-
8/18/2003	3379		Argentina	Alvial Héctor Fabian	Violación	Inadmisible	1/29/2004	-	-	-	-	-
8/26/2003	3539		Brasil	Ubeda Farias José Sergio	Contrabando	-	-	Rechazada / Brasil	-	11/8/2004	Aprobada	1/3/2005
8/26/2003	3549		Uruguay	Borda Guilford Roque O.	Tráfico de drogas	-	-	Concedida / Uruguay	-	7/20/2004	Confirmada	9/21/2004
9/4/2003	3719		Argentina	Pinto Roberto Antonio	Evasión Tribut.	-	-	Rechazada / Argentina	-	5/26/2004	Aprobada	6/17/2004
9/4/2003	3729		Argentina	Vera Aquina Fabián Mauricio	Homicidio	-	-	Rechazada / Argentina	-	12/23/2004	Aprobada	12/29/2004
9/12/2003	3889		Argentina	Mendoza Hinojosa Dionisia	Tráfico de drogas	-	-	Rechazada / Argentina	-	9/22/2005	Aprobada	12/15/2005
10/16/2003	4429		Argentina	Ronco Alfredo Pascual	Malversación	Desistida / Argentina	1/19/2005	-	-	-	-	-
10/31/2003	4704		Argentina	Torres Raúl Orlando	Homicidio	Desistido / Argentina	3/10/2004	-	-	-	-	-
10/31/2003	4705		Argentina	González G. Marina Magdalena	Homicidio	Inadmisible	5/19/2005	-	-	-	-	-
11/25/2003	5104		Argentina	Godoy Bruno Esteban Ramón	Tráfico de drogas	Desistido	4/8/2006	-	-	-	-	-
11/25/2003	5105		Argentina	Cumariella Mauricio y otro	Contrabando	Desistido	12/26/2003	-	-	-	-	-
12/18/2003	5509		Italia	Berulazzi Leonardo	Secuestro y otro	Inadmisible	3/18/2004	-	-	-	-	-
12/23/2003	5599		Perú	Santiago Mejía Luis Alberto	Falsificación	Archivada no formalizada	3/17/2004	-	-	-	-	-
3/8/2004	836		Argentina	Fuentes Alarcón Vicente	Fraude aduanero	Inadmisible	11/26/2004	-	-	-	-	-
3/8/2004	897		Argentina	Ruiz Sepúlveda Ercilio Antonio	Abuso sexual	Inadmisible	-	-	-	-	-	-
4/12/2004	1276		España	Beceiro Cabana Roberto S.	Tráfico de drogas	-	-	Concedida / España	-	6/17/2005	Confirmada	7/28/2005
4/12/2004	1277		Argentina	Medalla Medela Marcos	Infr. Ley aduana	-	-	Rechazada / Argentina	-	3/28/2005	Aprobada	4/26/2005
4/19/2004	1369		Argentina	León Jorge Antonio	Violación	-	-	Concedida / Argentina	-	7/26/2005	Confirmada	8/23/2005
4/19/2004	1379		Argentina	González Castro Claudio	Homicidio	Inadmisible	10/26/2004	-	-	-	-	-
4/26/2004	1479		Rep. Checa	Caro Hicigo Raúl	Fraude	-	-	Procedente. Cumpie pena en Chile	-	1/11/2005	Aprobada	3/21/2005
5/3/2004	1639		Argentina	Manem Carlos Saul	Cebicho y otro	Inadmisible a familiar	6/8/2004	-	-	-	-	-
5/4/2004	1672		Argentina	Perex, José Luis	Robo c/ arma	Inadmisible	9/8/2004	-	-	-	-	-
5/5/2004	1699		Argentina	Herrera Pereira José Casiano	Falsificación	Inadmisible	8/3/2004	-	-	-	-	-
5/17/2004	1859		Argentina	Paimentieri Hugo Emilio	Infr. Ley aduana	Inadmisible	-	-	-	-	-	-
5/19/2004	1939		Argentina	Manem Carlos Saul	Enriquecim. ilícit	Inadmisible	5/27/2004	-	-	-	-	-

Fecha Ing.	Roi	Ministro Ins.	País requeriente	Requerido	Delito	No se tramita	Resultada	Sentenc. 1°	Resultado	Sentenc. 2°	
						Motivo	Fecha	Fecha	Fecha	Fecha	
6/1/2004	2139		Perú	Carmel del Solar, Díaz Eduardo	Peculado y otros	Inadmisible	6/17/2004	5/24/2005	Rechazada / Perú	Confirmada	8/23/2005
6/2/2004	2169		Uruguay	Rodríguez Costas Juan René	Hurto, contrabando	Inadmisible	-	-	-	-	-
6/2/2004	2179		Perú	Maquifa Valdez Yesi Yen	Estafa y otro	-	-	5/10/2005	Concedida / Perú	Aprobada	6/7/2005
7/16/2004	3009		Perú	García Principe Magali	Robo	-	-	6/12/2006	Rechazada	Aprobada	6/21/2006
7/21/2004	3009		Moldova	Dembenco Alexandr	Homicidio	-	-	1/11/2005	Rechazada / Moldova	Aprobada	3/23/2005
8/3/2004	3299		Argentina	Escober Montoya Arturo	Falsificación	-	-	9/9/2005	Concedida	Revocada, No se hace lugar a est.	1/30/2006
9/3/2004	3909		Argentina	Lara Hernán Adrián	Homicidio	Inadmisible	12/16/2004	-	-	-	-
9/27/2004	4329		Argentina	Zúñiga Peña Elio Jesús	Robo	Desistido	10/14/2004	-	-	-	-
9/30/2004	4396		Argentina	Figueras Eliazar Francisco	Abuso sexual	Suauto proces. Archivose	2/24/2005	-	-	-	-
9/30/2004	4396		Argentina	Garcés Miguel Angel	Abuso sexual	Desistido	12/17/2004	-	-	-	-
10/20/2004	4729		Argentina	Calderon Ricardo	Robo y otro	-	-	7/29/2005	Concedida / Argentina	Confirmada	9/28/2005
11/11/2004	5194		Israel	Bimiamin Levi Sayid	Violación y otro	-	-	4/5/2005	Concedida / Israel	Confirmada	5/24/2005
11/18/2004	5195		Argentina	Sigatario Federico Martín	Estupro agravado	Improcedente	9/1/2005	-	-	-	-
11/18/2004	5319		Perú	Quinones Delgado Franklin	Estafa	Suauto proces. Archivose	2/19/2005	-	-	-	-
11/29/2004	5459		Argentina	Collins Oscar Horacio	Malversación	Improcedente	3/16/2006	-	-	-	-
12/2/2004	5569		Argentina	Aguilar Perez José Vicente	Violación y otro	-	-	5/12/2005	Concedida / Argentina	Confirmada	6/28/2005
12/14/2004	5778		Argentina	Cruz Durán Josefa	Incump. De Liberti.	-	-	7/8/2005	Rechazada / Argentina	Aprobada	8/29/2005
12/16/2004	5818		Perú	Silva Ortiz José Ceilin	Homicidio	-	-	4/19/2005	Concedida / Perú	Confirmada	5/3/2005
12/21/2004	5895		Argentina	Schleker Samuel	Tenencia de doc.	Improcedente	1/5/2005	-	-	-	-
1/21/2005	351		Argentina	Quilral Navarro Carlos S.	Abuso sexual	Inadmisible	4/29/2005	-	-	-	-
1/21/2005	362		Argentina	Velasquez Manuel Leonárdo	Homicidio	No habido. Archivo	1/27/2006	-	-	-	-
1/31/2005	508		Argentina	Orellana Tapia Osvaldo M.	Contrabando	Desistido	10/27/2005	-	-	-	-
1/31/2005	509		Argentina	Raynoso Sebastián Pablo	Robo agravado	No ha lugar a tramitar	5/11/2005	-	-	-	-
2/16/2005	814		Italia	Díaz Luis Enrique	Tráfico de drogas	-	-	12/7/2006	Rechazada / Italia	Aprobada	3/28/2007
3/10/2005	1049		España	Velasco Ponce Antonia y ot	Homicidio y otro	-	-	6/9/2006	Se accede	Confirmada	6/29/2006
3/10/2005	1309		Argentina	Carvacho Acevedo Ramón L.	Contrabando	-	-	1/23/2006	Rechazada	Aprobada	3/16/2006
4/18/2005	1659		Italia	Artigada Ramos Alejandro O.	Tráfico de drogas	-	-	1/30/2006	Concedida	Confirmada	3/30/2006
5/19/2005	2269		Argentina	Jara Mesias Rafael W.	Homicidio	-	-	2/7/2006	Se accede. Debe ser Jdo. En Chile	Aprobada	3/16/2006
7/1/2005	3129	Sr. Rodríguez E.	Perú	Borbio Guede Edgardo	Asoc. ilícita y otr.	-	-	6/5/2006	Rechazada	Aprobada	11/22/2006
8/9/2005	3923		México	Scarpinelli DI Leguigno Gohardo	Fraud	Archivo. No está en Chile	10/11/2005	-	-	-	-
8/22/2005	4148		Argentina	Vaccaro Hueste Valeria Cecilia	Lesiones culposas	No ha lugar a tramitar	6/1/2006	-	-	-	-
8/22/2005	4149	Sr. Segura	Perú	Salinas Guerra José Miguel	Robo	-	-	4/19/2006	Rechazada	Aprobada	5/11/2006
9/2/2005	4429	Sr. Ballesteros	Francia	Hochendel Christian	Estafa y otro	-	-	8/17/2006	Rechazada	Confirmada	9/26/2006
9/7/2005	4479	Sr. Juca	Argentina	Balencour Ortiz Raul Jacob	Abuso sexual	-	-	4/3/2006	Se accede	Confirmada	4/19/2006
9/7/2005	4489		Argentina	Díaz Gómez Gustavo Adhian	Homicidio	-	-	9/11/2006	Rechazada	Confirmada	5/31/2006
9/29/2005	4919		Argentina	Zuleta Guerrero Alejandro Antonio	Homicidio	-	-	10/13/2006	Se accede	Confirmada	11/2/2006
10/21/2005	5369	Sr. Rodríguez E.	Perú	Borbio Guede Edgardo Daniel	Asoc. ilícita y otr.	Acumulada a 3128-05	10/25/2005	-	-	-	-
10/28/2005	5509		Perú	Borbio Guede Edgardo Daniel	Peculado y otros	-	-	1/19/2007	Rechazada	Confirmada	3/20/2007
10/31/2005	5549	Sr. Muñoz	Perú	Tinoco Moreno Elvis Jorge	Homicidio calificado	-	-	9/12/2006	Rechazada	Confirmada	11/29/2006
11/2/2005	5579	Sr. Merin	Perú	Vera Abad Julio Cesar	Peculado y otros	-	-	9/12/2006	Rechazada	Confirmada	11/29/2006
11/9/2005	5946	Sr. Alvaraz	Perú	Fujimori Alberto	Tenencia de arma	-	-	10/3/2006	Concedida	Confirmada	10/26/2006
11/14/2005	5839		Argentina	Ricardo Calderón	Homicidio	Improcedente	11/24/2006	-	-	-	-
11/29/2005	6139		Argentina	Barrientos Haro Cristian Adrian	Homicidio	-	-	8/21/2006	Se accoge. Debe ser Jdo. En Chile	Confirmada	11/6/2006
12/19/2005	6499		Argentina	Lira Tober Juan León	Tráfico de drogas	-	-	-	-	-	-
1/12/2006	229		Argentina	Davidsson Thomas Erik	Contrabando	Improcedente	2/14/2006	-	-	-	-
3/6/2006	970		Argentina	Silva Gallardo Marcela Soledad	Falso testimonio	-	-	8/30/2006	Rechazada	Aprobada	10/12/2006
1/13/2006	169		Francia	Hochenedel Christian	Amenazas	Se acumula a 4429-05	1/18/2006	-	-	-	-
3/6/2006	971		Argentina	Chaura Coronado Felix Orozimbo	Violación	-	-	-	-	-	-
3/6/2006	972		Argentina	Peebles Andrés	Amenazas y otros	-	-	-	-	-	-
3/17/2006	1207		Perú	Edgardo Borobio Guede	Peculado y otros	Se acumula a 5509-05	3/23/2006	-	-	-	-
3/22/2006	1256		Argentina	Tellechea Raul Félix	Defraudación y otro	Improcedente	7/16/2006	-	-	-	-
3/22/2006	1257		Argentina	Tellechea Raul Félix	Defraudación	-	-	-	-	-	-
5/24/2006	2415		Italia	Tellechea Raul Félix	Tráfico de drogas	Desistido	4/2/2007	-	-	-	-
6/2/2006	2608		España	Petersen Galdames Héctor R.	Estafa	Improcedente	3/29/2007	-	-	-	-
6/7/2006	2682		Argentina	Rodríguez Martín Jorge Alejandro	Robo y otro	-	-	4/25/2007	Concedida	Confirmada	5/23/2007
6/14/2006	2809		Perú	Silva Gallardo Marcela y otro	Omisión asist. Fam.	No ha lugar a tramitar	6/19/2006	-	-	-	-
7/5/2006	3244		Perú	Quezada Suarez Eduardo G.	Contro la libertad	No formaliza extradición	9/26/2006	-	-	-	-
7/10/2006	3336		Argentina	Gonzalez Zenora Tullio	Robo	-	-	11/30/2007	Concedida diferida	Confirmada	12/27/2007
7/18/2006	3518		Perú	Pavelich Bertos Vladimir	Homicidio	-	-	11/30/2007	Rechazada. Debe ser Jdo. En Chile	Aprobada	1/17/2007
3/22/2006	1259		Argentina	Peebles Andrés	Lesiones leves y ot.	Se acumula a 972-06	3/31/2006	-	-	-	-



Causas de extradición pasiva tramitadas en la reforma procesal penal

Fecha Ing.	Rol	Ministro Ins.	Pais requiriente	Requerido	Delito	No se tramita		Sentenc. 1°		Sentenc. 2°	
						Motivo	Fecha	Resultado	Fecha	Resultado	Fecha
1/29/2007	674	Sr. Libedinsky	Perú	Ajva Castro Roberto Carlos	Tráfico de drogas	Desistido	3/8/2007	-	-	-	-
3/30/2007	1602	Sr. Dolmestich	Uruguay	Gómez Mesa Glen Holmer	Estafa	Se archiva (rebelde)	1/23/2008	-	-	-	-
9/24/2007	5017	Sr. Künsem.	Perú	Obregon Baylon Saul	Tráfico de drogas	Se archiva (rebelde)	4/17/2008	-	-	-	-
10/1/2007	5223	Sra. Araneda	Argentina	Luque Mamani Paulino	Sustrac. D/ menor	-	-	Rechazada	12/26/2007	Confirmada	1/28/2008
10/3/2007	5291	Sr. Juica	Bélgica	Orellana Diaz Miha Fernanda	Robo agravado	-	-	Rechazada	1/14/2008	Revoca. Se hace lugar a ext.	3/24/2008
10/5/2007	5358	Sr. Segura	Argentina	Diaz Umanzor Jonathan Horacio	Robo calificado	-	-	Rechazada	1/28/2008	-	-
4/28/2008	2194	Sr. Carreño	Argentina	Casado Córdoba Luis Miguel	Intercept. Telef.	-	-	Rechazada	-	-	-

EN TRAMITE

# EXHIBIT

5

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

Case No.F017975  
Judge SCHWARTZ

*Plaintiff,*

v.

SEAN CASEY,

*Defendant(s)*

**NOTICE OF INTENT TO RELY ON EVIDENCE OF OTHER CRIMES,  
WRONGS, OR ACTS**

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and pursuant to the Florida Evidence Code, Section 90.404 (2)(b)(1), Florida Statutes (1989), files this Notice of Intent to Rely on Evidence of Other Crimes, Wrongs, or Acts. See In Re Florida Evidence Code, 372 So. 2d 1369 (Fla. 1979); Williams v. State, 110 So. 2d 654 (Fla. 1959), certiorari denied, 361 U.S. 847, 80 S.Ct. 102, 4 L. Ed. 2d 86 (1959). Set forth below is a written statement of the acts or offenses the State intends to offer as evidence to prove material facts in issue, including proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident:

The Defendant's trial in the abovementioned case was set for September 20, 2004. The Defendant failed to appear for a report date on the abovementioned case on September 10, 2004 at which point an alias capias was issued. On August 31, 2006 the alias capias was served upon the Defendant after the Defendant was found in Chile, South America attempting to leave on a flight to Buenos Aires. The Defendant was later extradited to Miami-Dade County. } ✓

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY

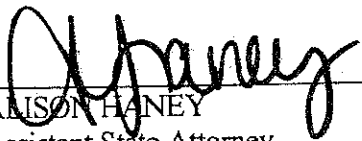
By: \_\_\_\_\_

ALISON HANEY

Assistant State Attorney  
Florida Bar # 719927  
Lawson E. Thomas Courthouse Center Building  
175 NW 1<sup>st</sup> Avenue  
Suite 2500  
Miami, FL 33128  
(305) 349-5830

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the above was furnished to MILTON HIRSCH, 9130 S Dadeland Blvd Ste 1200, Miami Florida 331567848, on this the 18th day of September, 2006.

  
ALISON HANEY  
Assistant State Attorney

# EXHIBIT

6

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

*Plaintiff.*

CASE NO: F017975

JUDGE: SCHWARTZ

vs.

SEAN CASEY

*Defendant(s).*

**AMENDED DISCOVERY EXHIBIT**

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Amended Discovery Exhibit under Florida Rule of Criminal Procedure 3.220, as follows:

- C) 11<sup>TH</sup> JUDICIAL CIRCUIT CLERK OF COURTS
- B) FBI AGENTS WHO TRANSPORTED THE DEFENDANT } ✓  
(CONTACT INFORMATION TO BE PROVIDED)

(AS) = Category A witnesses who were present when a statement was taken from or made by the defendant or co-defendant

Respectfully submitted

KATHERINE FERNANDEZ RUNDLE  
State Attorney

By: 

ALISON HANEY  
Assistant State Attorney  
Florida Bar #719927  
1350 N.W. 12th Avenue  
Miami, FL 33136-2111  
(305) 547-0100

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the above was furnished to MILTON HIRSCH, 9130 S Dadeland Blvd Ste 1200, Miami Florida 331567848, on this 20th day of September, 2006.

  
Assistant State Attorney

# EXHIBIT

7



# EXHIBIT

8

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY

CRIMINAL DIVISION

STATE OF FLORIDA ,

CASE NO. F01007975

Plaintiff,

v.

SEAN CASEY,

Defendant.

---

AFFIDAVIT OF MILTON HIRSCH

STATE OF FLORIDA                    )  
                                                  ) ss:  
COUNTY OF MIAMI-DADE            )

Milton Hirsch, being first duly sworn, states and depones as follows:

1. I am a member in good standing of the Florida Bar as well as the bars of the United States District Courts for the Southern, Middle, and Northern Districts of Florida; of the United States Courts of Appeal for the Fifth and Eleventh Circuits; and of the United States Supreme Court.

2. I served as lead counsel for Sean Casey in *State of Florida v. Casey*, Case No. F01007975.

3. Mr. Casey was charged with the crimes of vehicular homicide and DUI ("driving under the influence") manslaughter in connection with a traffic fatality in May of 2001.

4. Mr. Casey was released on bail immediately after his arrest. Throughout the pretrial period he appeared for court whenever called upon to do so.

5. Shortly before trial was scheduled to begin, Mr. Casey disappeared. His disappearance was entirely unexpected and I was concerned that he might have come to harm.

6. When it became clear to the court that Mr. Casey had disappeared, a warrant was issued

} ✓

for his arrest. This is standard procedure in all such instances. The warrant is then made available to Interpol and other law-enforcement data bases.

7. In the United States a criminal defendant is, as a general rule, not tried in absentia. If a defendant absconds, a warrant is issued for his arrest and his case simply remains open until such time as he is again before the court. Thus Mr. Casey has never been tried for or convicted of the charges in this case.

8. I have recently learned that Mr. Casey is now residing in Chile. I have repeatedly contacted the Office of the State Attorney (the prosecutorial authority) here in Miami to attempt to negotiate both Mr. Casey's return and the resolution of his pending charges. To date, I have had no response from the Office of the State Attorney.

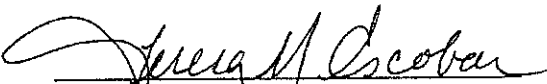
9. The warrants presently pending for Mr. Casey are as a result of his flight to avoid prosecution. As noted supra, he has never been tried or convicted.

FURTHER AFFIANT SAYETH NAUGHT.

  
MILTON HIRSCH

BEFORE ME, the undersigned authority, personally appeared Milton Hirsch, to me well known, and who acknowledged the foregoing instrument.

WITNESS my hand and official seal on this 5 day of July, 2006.

  
Notary Public, State of Florida  
(Signature)

Teresa M. Escobar  
Notary Public (Printed name)



**Teresa M. Escobar**  
Commission # DD398264  
Expires May 22, 2009  
Bonded Troy Peltz - Insurance, Inc. 800-485-7018

My Commission Expires:

# EXHIBIT

9



and we proceeded together to the garage. When my car wasn't there, it was Sgt. Hundevadt who said that I needed to go down to the station to file a report, simply a "report." I do not recall him ever mentioning a "stolen vehicle" report. During the October 10<sup>th</sup> hearing Sgt. Hundevadt stated that the vehicle was "reported" stolen sometime between 9:00 and 10:40 a.m. Who reported it stolen? I never reported the vehicle stolen. Also, please read Sgt. Hundevadt's statement about what I said in the garage when the vehicle wasn't there. On page 2, he writes, "Mr. Casey also advised that even if someone had broken into his vehicle they would have had great difficulty in starting the vehicle because it had an electronic transmission." (Note: I meant the little computer in the master key that only allows the ignition to respond to the owners' keys). This totally contradicts me stating that the vehicle was stolen. Notice Sgt. Hundevadt neglects to ever mention that "I" said it was stolen. The prosecutor states on page 15 of his Reply, "Indeed only the owner or custodian of property can logically report an item stolen." Well, "I" never said it was stolen.

▪ **Defendant deceiving police**

The main problem I have is that the State claims I knew what happened and was tricking the police. This cannot be farther from the truth. *When are we going to inform the State of my blackout, either caused by alcohol or -- as I am convinced -- a drug?* The truth is I really did and do not know what had happened. *Can't we get the doctor you recommended to testify to this and Dr. Rappaport as a psychologist to verify that I really do not remember and that following the police's initiative pursued the stolen vehicle report because that is what they led me to believe by not answering my question: what happened to my vehicle? Shouldn't the police have investigated further the possibility of a drug being involved? As the police write in their reports, my statements were spontaneous and confusing, I didn't remember key details, and I mentioned in the taped statement that I accepted drinks from other people and left my drinks unattended during the evening.* You would think that the Miami Beach Police Department, of all police departments, would be skilled enough to identify a possible victim of rohypnol with so many nightclubs and drug crimes in South Beach. *Can we not find an expert to testify that the police had enough signs to suspect a drug-induced blackout and should have done more thorough blood testing?*

▪ **First entry into apartment (Viewing Evidence/Seizure of ATM receipt)**

I return to the first entry into my apartment by Officers Jomatron and Smith. I think it is extremely important to note, in reference to this motion, that the first male officer followed me into my bedroom to obtain proof of ownership of my vehicle in my desk drawer completely on the other side of my bedroom. The officer must have noticed the clothes and glass! The prosecutor states that officers did not notice the clothes and glass until after the consent to search form was signed and when Officers Silvagni and Hundevadt returned to my apartment and conducted a protective sweep. He states, "Officer Silvagni saw, in plain view, a black shirt next to the bed that had shards of broken glass on it." (See page 8). If the evidence was in such "plain view", wouldn't the first officer have noticed it on first entry when he literally "walked over" the evidence when he followed me through my bedroom to my desk? After taking my folder out of the desk drawer, I placed it on my bed and fumbled through the papers until I found something with my name and VIN number. All that time, the officer was looking around my bedroom. I believe this officer saw the evidence, spoke to Sgt.

Hundevadt, who had just arrived to the apartment, and Sgt. Hundevadt then developed the scheme of tricking me into thinking my vehicle was stolen. In hindsight, when Sgt. Hundevadt and Officer Silvagni returned with me to the apartment after consent was given, while Sgt. Hundavadt followed me to the hallway closet to find the second key, Officer Silvagni went directly into the bedroom and closed the door. Why the bedroom? Why not the kitchen, bathroom, or living room? The first officers had to have told him what they saw! Also, during the taped statement, why all the questions about what clothes I was wearing the night before, including color and type? Again, the first officers must have told him what they saw on the floor! *Should you not depose or call to the stand this first male officer? Isn't this pertinent to establishing when I became a suspect? Can't we then prove that I was a suspect immediately upon the arrival of the very first officers when they entered my bedroom and saw the evidence?*

Also, it is just as important to note that while the male officer was in the bedroom with me on first entry, the female officer was in my dining room, presumably going through my papers, since somehow the ATM receipts appeared and she started asking me about them. The important thing is that the officers took my ATM receipt with them without me knowing it, because at the police station during the interrogation Sgt. Hundevadt asked me if I made the withdrawal shown on the ATM receipt "he was holding" and if I would initial the ATM receipt (see discovery packet). *Did they have the right to take my ATM receipt on first entry into my apartment before any consent was given? Why did they take the ATM receipt if I wasn't a suspect at this point? How can the State justify how an ATM receipt has to do with a stolen vehicle? This happened before any of my rights were waived, thus, doesn't this nullify my consent since this happened beforehand? Also, how about my passport? Why did you not mention the passport? I can think of no greater proof of not being free to leave then by having the police take my passport and airplane ticket and say, "you're not going anywhere for a while" and "I don't think your going to Brazil any time soon, you should think of canceling your trip."*

#### ▪ Blood draw

On the matter of the blood draw, the State is claiming that I gave oral consent. This is a lie. The officer stated that "we are going to take your blood now and you have no choice in the matter." I didn't question him, for at this point I was handcuffed, had been read Miranda, and remained silent from that point onward. The prosecutor states that I never testified to rebut this. *Should I testify that I never consented — in writing or otherwise?*

#### ▪ Florida Case Law

Finally, the State criticizes the Memorandum for not citing any Florida state case law. I did some very quick research and found this court decision, which seems appropriate to this motion:

The Florida Supreme Court ordered a new trial for Nathan Ramirez, who was convicted with two other men for the 1995 murder of elderly widow Mildred Boroski in Pasco County. The court ruled that Ramirez was not given a proper *Miranda* warning before he was questioned by police. The state argued that Ramirez was not actually in custody when he was first questioned, but the court noted that he was interrogated in a small room in the police station by two detectives, he was never told he was free to leave, and all the questions indicated that the detectives considered

December 17, 2001

Ramirez a suspect. "Short of being handcuffed and being told that he was under arrest, we cannot perceive of circumstances that would be more indicative of a custodial interrogation than the circumstances of the interrogation in this case," the court said. [Ramirez vs. State, (Fla. 7/8/99)]

Conclusion

Mr. Hirsch, I truly hope that you give special consideration to my points. I would be more than willing to testify that I never deceived the police and that I had a "blackout" (supported by expert testimony); that I never reported my vehicle stolen (I asked if it had been stolen, which is quite different); and that I never consented to the blood draw.

On Friday, I received the attached Notice of Court Appearance for this coming Friday, at 8:30 a.m. *Is this when the judge is making his decision? Do you want me to be present? Do you want me to testify? Shouldn't we highlight these points before he makes a decision?* This is so very important; I want to make sure that the fact I have not testified does not jeopardize this motion's chance of being approved. I see my testimony as a win-win situation. I know the truth! The truth is I do not remember what happened; the truth is that it is very likely that at that hour of the morning I most definitely would have been with someone else or a group of people (I can easily get a few friends to say how much of a "flirt" I am and how I rarely end an evening on the town alone!); the truth is that I did think "something" happened to my car when it wasn't in the garage (it being stolen was just one possibility). In my mind, however, I was thinking to myself, maybe I left it at the Boardwalk and someone drove me home, because I didn't remember leaving the bar -- all of which is indicated in the taped statement. Note the stolen vehicle report, Sgt. Hundevadt asked me to write where I last saw the car, not where I thought it was stolen. I wrote the "Boardwalk", not my apartment's parking garage.

I hope that you have some time today to review my comments and give me a quick telephone call with answers to my questions. I am deeply interested in this matter, since, after all, they were my constitutional rights that were violated. Thank you.

Best Regards,

*Sean Casey*

Sean Casey

# EXHIBIT

# 10

HIRSCH & MARKUS, LLP

TWO DATRAN CENTER, SUITE 1200  
9130 S. DADELAND BOULEVARD  
MIAMI, FLORIDA 33156  
305-670-0077 • FAX: 305-670-7003  
WWW.HIRSCHMARKUS.COM

MILTON HIRSCH  
DAVID OSCAR MARKUS

---

June 10, 2004

Sean Casey  
C/O Inter American Press Association  
1801 SW 3<sup>rd</sup> Avenue, 8<sup>th</sup> Floor  
Miami, FL 33129

Re: *State v. Casey*  
Case No. F01007975

Dear Sean:

I enclose a copy of Judge Trawick's ruling on the *Frye* issue.

As you know, Michael Haber has been discussing possible plea arrangements with Jon Granoff. The State has offered eight years; however, Michael thinks Granoff might go down a year or two. You will have to serve 85% of the jail sentence.

Please give this matter some thought and then let us know whether we should continue pursuing plea negotiations or if that is not a realistic course to follow.

Very truly yours,

  
Milton Hirsch

MH/te  
Enclosure

# EXHIBIT

11

LAW OFFICES OF  
**MILTON HIRSCH, PLLC**  
TWO DATRAN CENTER, SUITE 1200  
9130 SOUTH DADELAND BOULEVARD  
MIAMI, FLORIDA 33156  
WWW.MILTONHIRSCHPLLC.COM

MILTON HIRSCH  
E-MAIL: MHIRSCH@MILTONHIRSCHPLLC.COM

TELEPHONE: (305) 670-0077  
FACSIMILE: (305) 670-7003

October 5, 2006

Sean Casey  
Jail No. 06-74116  
MetroWest Detention Center  
13850 NW 41<sup>st</sup> Street  
Miami, FL 33178

Re: *State v. Casey*  
Case No. F01007975

Dear Sean:

John Buchanan, of Dynamic Accident Reconsruction, has informed me that your original fee to him has been used up and that he will need an additional \$2,500 to testify. He indicates that his normal fee for preparation and trial testimony is \$10,000, but he has agreed to lower that figure to \$7,500. If you recall, you originally paid him \$5,000 when he first came on board.

Mr. Buchanan says he will testify and specifically identify various things the Miami Beach police department did that he, in his experience, would not have done; and testify about things that the police did not do that Buchanan, in his experience, would have done. He is very able to testify that you were not in the driver's seat at the time of the accident. } ✓

I believe that Mr. Buchanan can be a real asset at trial, and I urge you to arrange for payment of the additional \$2,500 as soon as possible. His information is as follows:

John Buchanan  
Dynamic Accident Reconstruction  
P. O. Box 560444  
Miami, FL 33256

Very truly yours,

  
Milton Hirsch

MH/te  
cc: Genevieve Casey

# EXHIBIT

# 12

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY

CRIMINAL DIVISION

CASE NO. F01007975

STATE OF FLORIDA,

Plaintiff,

vs.

SEAN CASEY,

Defendant.

**MEMORANDUM IN OPPOSITION TO STATE'S NOTICE OF INTENT TO  
INTRODUCE EVIDENCE OF DEFENDANT'S FLIGHT**

The State has given notice of its intent to offer in evidence, under Florida Statute §90.404, the fact of Mr. Casey's flight from this jurisdiction. We offer this memorandum in opposition of the State's notice.

Argument

*1. Mr. Casey's Flight is Not Admissible under Fla. Stat. 90.404*

In the seminal case of *Williams v. State*, 110 So.2d 654 (Fla. 1959), the Florida Supreme Court carved out exceptions to the general rule that evidence of an independent crime is inadmissible when sought to be introduced solely for the purpose of showing the bad character of the accused. The exceptions provided in *Williams* have since been codified in §90.404, which provides in pertinent part:

MILTON HIRSCH, PLLC

CARLOS GARCIA  
FILED FOR RECORD  
2006 OCT 20 AM 10:10  
CRIMINAL DIVISION  
CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA  
MIAMI-DADE COUNTY #18

(2) Other crimes, wrongs, or acts.

(a) similar fact evidence of other crimes, wrongs, or acts is admissible when relevant to prove a material fact in issue, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, but it is inadmissible when the evidence is relevant solely to prove bad character or propensity.

The State's efforts to introduce evidence of Mr. Casey's flight fail for two reasons. First, on the basis of the crime with which Mr. Casey is charged his flight does not constitute "similar fact evidence." Second, Mr. Casey's flight is not relevant under any of the exceptions provided for in section 90.404(2)(a).

"Because of the strict standard of relevancy that applies, collateral crime evidence is admissible as *Williams* Rule evidence only if it is strikingly similar to the charged crime and the similarity is so unique as to constitute "fingerprint" evidence. *See, Fitzsimmons v. State*, 935 So.2d 125 (Fla. 2d DCA 2006) (*citing, Kulling v. State*, 827 So.2d 311, 314 (Fla. 2d DCA 2002)). "The requirement that similar fact crimes contain similar facts to the charged crime is based on the requirement of relevance." *Bryan v. State*, 533 So.2d 744, 746 (Fla. 1988). Consequently, "evidence of other crimes or acts may be admissible if, because of its similarity to the charged crime, it is relevant to prove a material fact in issue." *Williams v. State*, 621 So.2d 413, 414 (Fla. 1993). The only true material fact in issue in this case is whether Mr. Casey was the actual driver of the vehicle which caused the death of the decedent. Mr. Casey's flight to Chile is in no way similar to the present facts, i.e. the car accident, which resulted in the decedent's death and which gave rise to the homicide charges brought against Mr. Casey. Moreover, and in great part because of the lack of evident similarity between the two occurrences, Mr. Casey's flight bears no relevance to any material issue in this case. Accordingly, the State should be precluded from introducing into evidence the fact of Mr. Casey's flight as being relevant under the provisions of Fla. Stat. §90.404.

## 2. Mr. Casey's Flight Is Not Admissible as Evidence Relevant to

### Show Consciousness of Guilt

In order for evidence of flight after the fact of a crime to be admissible as relevant to consciousness of guilt, "there must be evidence which indicates a nexus between the flight [ ] and the crime(s) for which the defendant is being tried in that specific case." *Escobar v. State*, 699 So.2d 988, 995 (Fla. 1997). Where particular facts in the case detract from the probative value of flight evidence, the flight evidence has generally been held to be inadmissible. *See id.*, citing, *United States v. Borders*, 693 F.2d 1318 (11th Cir. 1982). The probative value of flight evidence has been held to be weakened "where there was a significant time delay from the commission of the crime to the time of flight." *Id.* (internal citations omitted). The probative value of a sufficient temporal nexus between the time of commission of the crime and the time of flight was recognized by the Florida Supreme Court in *Merritt v. State*, 523 So.2d 573 (Fla. 1988). In *Merritt*, the Court distinguished the admission of flight evidence in *Bundy v. State*, 471 So.2d 9 (Fla. 1985) from the facts of *Merritt*. The Court pointed out that in *Bundy* the flight occurred only a few days after the victim's much publicized disappearance, whereas in *Merritt*'s escape occurred nine months after *Merritt* became aware of the investigation of the murder for which he was being tried. *Merritt*, 523 So.2d at 574. The weakening effect of the temporal difference is even more overwhelming in this case.

As previously noted, Mr. Casey's abrupt departure from the state's jurisdiction occurred a significant three years after the incident which resulted in the victim's death; Mr. Casey was arrested and charged within days of the incident. Mr. Casey was arrested, charged, imprisoned, posted bail, succeeded in having the charges against him dismissed by the court, endured an appeal and reversal of the court's dismissal of the case, and remained in the State to await his trial, all before he took

action to flee. The probative value, if any, to be drawn from these facts is not a consciousness of guilt by Mr. Casey, but rather Mr. Casey's fear of being wrongfully convicted. It is no stretch of the imagination to believe that a person who faces a murder conviction, after having the dismissal of those charges reversed, may become highly suspect of a possibility of acquittal. Additionally, as the parties are aware, Mr. Casey is a frail-bodied, homosexual male justifiably fearful of homophobic retribution. To Mr. Casey the prospect of being convicted and being placed in an environment in which tolerance is the exception rather than the rule was overwhelming. Although Mr. Casey's fear of being wrongfully convicted does not excuse his decision to flee state, his action was in no way born of a consciousness of guilt on his part and his flight cannot be admitted as evidence of such.

*3. The Flight Evidence Must Be Excluded Pursuant to Fla. Stat. §90.403*

Assuming, *arguendo*, that Mr. Casey's flight did have some probative value, admission of that fact into evidence is proscribed by the provisions of Florida Statute §90.403. The statutory provision proscribes the admission of evidence whose probative value has been proven where the evidence's probative value is outweighed by its unfairly prejudicial effect. The relevance of Mr. Casey's flight is too far removed from the legal and factual issues in this case to justify the prejudice inherent in this evidence. In the first instance, the probative value of Mr. Casey's flight is questionable at best; his flight could be a product of his fear of being wrongfully convicted or of his fear of his chances of surviving in prison. More importantly, flight evidence is by its nature highly prejudicial and misleading because the jury is left to infer that this fact alone is sufficient evidence to warrant a finding of guilt. *See, Fenelon v. State*, 594 So.2d 292 (Fla. 1992). In this case, in which Mr. Casey fled three years after the incident, and in which the probative value of that flight is highly uncertain, the high degree of prejudice which would accompany this evidence would not


be curable by any explanation or limiting instruction. The jury, unaware that Mr. Casey will be subject to penalty for flight under bail jumping charges filed as a separate case, would be unfairly and prejudicially inclined to punish him in this case for the flight that is the gravamen of that separate case. In light of all of the foregoing, admission of evidence of Sean Casey's flight would create an unfair prejudice outweighing its probative value, and accordingly should be deemed inadmissible evidence by the court.

Conclusion

WHEREFORE, Defendant Sean Casey makes this, his Memorandum in Opposition to the State's Notice of Intent to Offer Evidence of Defendant's Flight; and respectfully prays that such evidence be excluded at the trial of the within cause.

Respectfully submitted,

MILTON HIRSCH, PLLC

  
\_\_\_\_\_  
Milton Hirsch  
Fla. Bar No. 350850  
Two Datan Center, Suite 1200  
9130 S. Dadeland Boulevard  
Miami, Florida 33156  
Tel: (305) 670-0077  
Fax: (305) 670-7003  
email: mhirsch@miltonhirschPLLC.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by facsimile this 13<sup>th</sup> day of October, 2006, to: Assistant State Attorney Gail Levine, Office of the State Attorney.

  
\_\_\_\_\_  
MILTON HIRSCH

MILTON HIRSCH, PLLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 20, 2009, I handed a true and correct copy of the foregoing Exhibits to the legal mail collection officer at New River Correctional Institution for delivery by U.S. mail to:

Gail Levine  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

Alison Haney  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

Angelica D. Zayas  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

John N. Perikles  
Assistant State Attorney  
E.R. Graham Building  
1350 Northwest 12<sup>th</sup> Avenue  
Miami, Florida 33136

  
SEAN CASEY, *Pro se*