

Sean Casey Responds to *New Times* Article

By Francisco Alvarado in *Banana Republican, News*

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Alex Izaguirre

Last week, I reported about Sean Casey, a 35-year-old Boston native who is serving a 12-and-a-half-year prison term for allegedly running down and killing an elderly woman on Harding Avenue in Miami Beach, and then fleeing the scene, back in 2001.

While awaiting trial, Casey fled the country in 2004 to Chile. He was deported to Miami in 2006 and agreed to a plea deal that gave him his current sentence.

Casey maintains his innocence and says his former defense attorney, Milton Hirsch, and former psychologist, Michael Rappaport, advised him to flee the United States to avoid prosecution.

For the past year, Casey has fought to vacate his plea deal, based on illegally recorded conversations he had with Hirsch and Rappaport, which Casey says prove the lawyer and the shrink told him to bolt. It is a crime in Florida to help someone escape prosecution. Casey also contends Hirsch and Rappaport committed perjury when they denied his accusations during a 2007 court hearing.

Casey took issue with some of my reporting and wrote me a letter pointing out what he believes are factual errors. I stand by my story. Read Casey's correspondence after the jump.

Dear Mr. Alvarado,

I appreciate you coming to interview me in jail and doing a story on my case, however, there were some factual errors in your report and I would like to correct them for the record:

1. I never reported my car stolen. This was an invention of the police to trick me into waiving my Miranda rights and not having an attorney present. The first judge in my case berated the police conduct (please read Exhibit 12 on my website www.freeseancasey.org). Here is a quote from that Exhibit -- 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."

2. You write that the police found a "drunk" Casey at his apartment. Please read the testimony of the police officers in Exhibit 1 on my website. You will find they found me to be completely lucid, clear and sober. Sgt. Hundevadt actually testified I was NOT drunk. As explained in my pending Motion for Post Conviction Relief (which you can download from the banner on my website's home page), 6 hours later the police drew my blood which came back with a ridiculously high alcohol level. However, the person who drew the blood left the vials on the roof of the police cruiser for a long time in the hot 90 degree sun while he filled out paperwork. It has been argued in courts that leaving vials of blood in the hot sun could elevate the blood alcohol level. Also, If I were as drunk as the police say, I would not have been able to walk to my car, much less drive it.

3. The State Attorney's Office has no evidence I 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 fact. All they have are minute glass shards on clothes. This doesn't prove anything. In fact, we have an expert who will testify that given the proximity of where the victim hit the windshield to the driver seat and the blood splatter, there would definitely have been the victim's DNA on my clothing. There isn't any. No blood whatsoever. There is DNA of an "unknown" individual - perhaps someone who was in the car with me. 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.

4. It is possible that some guy slipped me a roffie at The Boardwalk Bar, threw me in the back seat so I could lie down, hit the pedestrian, took off to switch cars at this house and stopped at the ATM to get money so he could get away. What possible reason would I have to

withdraw \$240 and then go right home to bed - the money was not in my wallet when the police arrived. Also, the only possible way for me to get to my house in time before the police got there was to have someone immediately drive me. Mr. Alvarado, if you go to Park View Island at 10:15 on a Sunday morning, it's a ghost town, no buses, no taxis, no cars, nothing. Also, there is no record of my taking a taxi.

5. I remind you of the highly publicized case four months later where a young kid drugged a man at The Boardwalk bar, took him to an ATM to withdraw money and then drove to the man's apartment in Aventura, murdered him and took off in the guy's jaguar. Could this have been the same guy? Was he trying to bring me to my apartment to kill me and steal my BMW? Did hitting the victim in my case stop this from happening? It's completely possible. Police have never found the driver of that victim's car!!

6. We also know from the BOLO report the police were looking for a black driver and they conveniently stopped the BOLO when they got to my apartment. I told the police in my taped statement that one of my last memories was arguing with a black guy at The Boardwalk. Police had the owner of the car who couldn't remember how he got home. That was enough for them. They did no investigating. They never tested for roofies even though I said I left drinks unattended. They never canvassed Park View Island or even fingerprinted the steering wheel!!

7. You mention in your article that Hirsch now says I'm guilty. How ironic. He is desperate to divert attention from the real story of him aiding and abetting a fugitive and obstructing justice. During that taped meeting in May 2004, Hirsch NEVER even hinted he thought I was guilty. He actually discussed my innocence and how he believed in me. He did say, however that most DUI cases end in a conviction even on circumstantial evidence and he feared my fate; thus the motive for his telling me to flee!! All his motions in the Court up to that point argued my innocence. Was he lying to me the entire time? Even when I returned from Chile and just 17 days before the scheduled trial date, he sent me the one and only letter while I was in county jail telling me not to worry because my accident reconstructionist was ready to testify I could not possibly have been driving the car. What changed between then and now for him to now think I am guilty? The only thing is my serious accusation against him. Also, isn't Dr. Michael Rappaport's silence telling.

Mr. Alvarado, I am not trying "a last-ditch attempt to escape the state pen." I am seeking to correct a serious miscarriage of justice and get my day in court. Let the jury decide if I am guilty or innocent. I signed the guilty plea ONLY because I was tricked by Hirsch.

Perjury was committed by Milton Hirsch and Dr. Michael Rappaport, and the State Attorney's Office wants to cover it up by seeking to seal these tapes, which was the purpose of the July 29 hearing, not the purpose you wrote about. Mr. Hirsch first approached me about fleeing in November, 2003 and in which I replied in the November 21, 2003 fax letter, which

you have, that I wasn't going to act on his advice to flee. That is very important and shows that I had no intention of fleeing.

Please contact Mr. Thomas Julin (305-810-2516), a partner in the law firm of Hunton & Williams, a widely respected media attorney who is representing me pro bono. Yesterday, Mr. Julin effectively argued in Court against the sealing of the documents on legal and public policy grounds. There is a major legal issue here. The judge granted more time and set an August 13 date for the next hearing. I know you spoke with Mr. Julin once before. He would be more than willing to give you a statement on the issues. The prosecution is asking the court to seal tapes that are crucial evidence in my case and would help me get a new and more fair trial.

I thank you for your time. I just wanted to get the facts straight. I will stay at Metro West until the August 13 Court date, if you would like to interview me again. I hope this is all clearer to you and I hope you will be able to do a story on the above facts. A serious miscarriage of justice has happened here, and I have attorneys fighting for my freedom.