

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

CRIMINAL DIVISION

STATE OF FLORIDA,
PLAINTIFF,
-vs-
SEAN CASEY
DEFENDANT.

CASE NO.: F01-797

ORIGINAL

CLERK, CIRCUIT & COUNTY COURT
DADE COUNTY, FLA.
CRIMINAL #15

2007 FEB 27 PM 12:20

FILED FOR RECORD

Metropolitan Justice Building
1351 Northwest 12th Street
Miami, Florida 33125
January 8, 2007
10:30 a.m.

The above-entitled matter came on for hearing before the
Honorable LEONARD GLICK, Circuit Judge, pursuant to Notice.

APPEARANCES:

KATHERINE FERNANDEZ-RUNDLE, STATE ATTORNEY, BY,
GAIL LEVINE, ALISON HANEY, and ANGELICA ZAYAS,
Assistant State Attorneys,
on behalf of the State.

DAVID MARKUS, Esq.
on behalf of the Defendant.

AUG 14 2007
my

1

2

I N D E X

3

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4 <u>WITNESS</u>				
4 SEAN CASEY	6	25	60	
GENOVIVE CASEY	65	75		
5 MILTON HIRSCH	89	120	131	
MICHAEL HABER	134			
6 MICHAEL RAPPAPORT	139	143	145	

7

8

E X H I B I T S

9

FOR IDENT.IN EVIDENCE

10

11 Plaintiff

12

13

14 Defendant

15

16

17

18

19

20

21

22

23

24

25

1 (Thereupon, the following proceedings were had:)

2 THE COURT: Let's move to our next matter, State of
3 Florida versus Sean Casey, case number 01-7975, originally
4 in Judge Schwartz's division.

5 If the attorneys would state their appearance, for the
6 record, please.

7 MS. LEVINE: Good morning. Gail Levine, Alison Haney,
8 and Angelica Zayas on behalf of the State.

9 MR. MARKUS: David Markus on behalf of the defendant
10 who is present in court.

11 THE COURT: He was brought back from state custody,
12 state prison actually, so we could attempt to resolve this
13 motion.

14 The Defense, Mr. Markus, filed a motion to vacate the
15 conviction and sentence and essentially overturn the plea
16 that was taken by the Court, the negotiated plea, and I
17 thought I had the date here, but I don't. Yeah, it was
18 November 2nd of 2006.

19 MS. LEVINE: Your Honor, I'm sorry, the clerk isn't
20 here.

21 THE COURT: We're trying to find one.

22 MS. LEVINE: At about 7:30 on Friday night, I spoke
23 with the court reporter, Angie Porter, and she faxed me at
24 my office the plea colloquy.

25 I thought she was going to be in court this morning

1 with the plea colloquy and another portion of another
2 transcript and I don't see her today, but I do have my copy
3 that was faxed to me that I made a copy for you and for
4 Mr. Markus.

5 THE COURT: Okay. Let's get to the beginning portion
6 of what we need to get to before we get to the issue
7 concerning any problems with the motion to suppress.

8 Mr. Markus, you filed a motion here making some very
9 serious allegations as to what I refer to as alleged
10 conflict of interest between the defendant and his counsel
11 at the time of the plea and I'm assuming you mean before
12 the plea as well, but certainly at the time of the plea
13 that would render the plea annulity and should be vacated
14 by the Court and obviously it's a very serious allegation
15 that you have made and we need to kind of address where
16 we're going with that first.

17 I know that Mr. Hirsch is here and I don't know what
18 his position is going to be on testifying in this case, but
19 an evidentiary hearing obviously was required and that's
20 why we set it for today.

21 This is not something that could be or should be
22 summarily denied because the record would not support it
23 and, in my opinion, that's why we set it for a hearing,
24 brought your client back here, and have asked the State to
25 produce whatever witnesses they feel appropriate for a full

1 hearing this morning, at least as to the first part.

2 The second part is an addendum to the motion to
3 vacate, if you will, as a result of what was heard at the
4 motion to suppress, which I was not the judge for, that
5 appears to be unsworn and at the moment maybe illegally
6 insufficient, but we're not going to get to this for the
7 time being until we get to the first part.

8 MS. LEVINE: He provided me a second addendum before
9 court started and I read it and if the motion is
10 subsequently sworn to meaning that I got a copy before it
11 was sworn, I'm prepared to proceed.

12 MR. MARKUS: All right. I have an addendum and I
13 apologize for the handwriting. Judge Schwartz ordered
14 Mr. Casey remain in Dade County so I can have access to him
15 to prepare this matter and for some reason--

16 THE COURT: We knew that wasn't going to happen.

17 MR. MARKUS: I did my best. I served Corrections and
18 they basically ignored it and then I believe it was Judge
19 Schwartz who ordered he be brought back by January 2nd and
20 that didn't happen either and I finally got with him Friday
21 morning and I apologize for the handwriting and the speed
22 with which I drew this up and I prefer to handle them both
23 today since Mr. Hirsch is here and that way he doesn't have
24 to come back.

25 THE COURT: I will be more than happy to accommodate

1 you if the motion is legally sufficient.

2 MR. MARKUS: I'll have him swear that it's correct.

3 THE COURT: Apparently they're willing to waive any
4 handwritten defects. I think they want to resolve this one
5 way or the other today. Is Mr. Hirsch going to testify?

6 MS. LEVINE: We're not the moving party. Mr. Casey is
7 the moving party. He needs to make his statements under
8 oath before the Court and then we'll decide if we're ready
9 to proceed.

10 THE COURT: Okay.

11 MR. MARKUS: Then I will call Mr. Casey.

12 THE COURT: All right. Swear in the defendant,
13 please.

14 THE CLERK: Raise your right hand.

15 THEREUPON:

16 SEAN CASEY

17 was called in as a witness, and having been first duly sworn,
18 was examined and testified as follows:

19 THE COURT: Tell us, please, your full name.

20 THE WITNESS: Sean David Casey.

21 DIRECT EXAMINATION

22 BY MR. MARKUS:

23 A All right. Mr. Casey, you're the defendant in the
24 case; is that correct?

25 A That is correct.

1 Q All right. And did you hire Milton Hirsch?

2 A Yes, I did.

3 Q You need to speak up so that the judge can hear you.

4 A Yes, I did.

5 Q And when did you hire Mr. Hirsch?

6 A Immediately after the arrest was made. The arrest
7 was made on March 11th, 2001. He was hired the day after, if
8 not within 48 hours.

9 Q Okay. And what is the total legal fee that you paid
10 Mr. Hirsch?

11 A An up front retainer of \$50,000 and an additional
12 \$15,000 for the appeal that was made to the Third District Court
13 of Appeals, and then out of pocket expenses, which I don't have
14 a tallier, \$10,000 maybe.

15 Q So you paid a legal fee of \$65,000 plus the cost of
16 the litigation. Correct?

17 A That is correct.

18 Q All right. And Mr. Hirsch did a lot of work on your
19 behalf; is that correct?

20 A Yes, he did.

21 Q This case took almost three years. Correct?

22 A That is correct.

23 Q All right. Was it your intention to flee this
24 jurisdiction as soon as you got out of jail or did you plan to
25 stay and fight this case?

1 A No. It was no intention. I wanted to stay and fight
2 this case.

3 Q And is that why you basically gave Mr. Hirsch all the
4 money that you could come up with?

5 A That is correct.

6 Q All right. Now, did there come a time when
7 Mr. Hirsch told you to leave the country or intimate that you
8 should leave the country?

9 A Yes, there was.

10 Q Tell the judge the genesis of that occurrence.

11 A Well, like I said, to put it in perspective and
12 chronology, the accident happened in 2001. We had gone through
13 pretrial litigation for several years. Then came, my
14 recollection was around November 2003, I stayed very active in
15 the case. I knew what was happening and where we stood.

16 Q Let me interrupt you. While the case was pending,
17 did Judge Schwartz allow you to leave the country and come back
18 for business trips?

19 A Judge Trawick was.

20 Q Sorry, Judge Trawick?

21 A Yes, he did.

22 Q About how many times did you leave the country and
23 come back?

24 A I had traveled-- the court must have a record, a
25 copy, because I kept an undated chart, but it was around thirty

1 trips to 28 different countries.

2 Q What is your occupation?

3 A All for business. I worked as a project
4 administrator for the Interamerican Press Association.

5 Q All right. And each time you came back?

6 A Before I left, I had to report and I sent a fax to
7 Mr. Hirsch stating the hotel, date I was leaving, flight
8 itinerary, the full agenda. The Court always knew.

9 Q And there was a motion to suppress your confession
10 and some evidence that was seized from you and from your home;
11 is that correct?

12 A That is correct.

13 Q And Judge Trawick granted the motion; is that
14 correct?

15 A Yes, he did.

16 Q All right. And subsequently, the State attorney took
17 an appeal of that motion; is that correct?

18 A That is correct.

19 Q All right. And the Third District Court of Appeal
20 reversed Judge Trawick and basically admitted the evidence into
21 the case; is that correct?

22 A That is correct.

23 Q All right. When you heard that news, did you flee
24 the country?

25 A Not at all.

1 Q Did you stay here?

2 A Yes, I did.

3 Q Was there further litigation in the case?

4 A Yes, there was.

5 Q Did Mr. Hirsch file a Frye motion seeking to exclude
6 some expert testimony relating to some glass that had been found
7 in clothing seized from your house that the State was attempting
8 to match to your car windshield?

9 A Yes.

10 Q And there was extensive litigation on that?

11 A Very extensive.

12 Q And you didn't know that?

13 A No, I did not.

14 Q So when is it you got this idea in your head that you
15 should leave the country?

16 A Well, the case was in pretrial litigation moving
17 slowly. I was out on bail, but to me that wasn't freedom. It
18 was a burden. It was a lot of pressure to be charged of such a
19 crime.

20 Q Now, you were going to a psychologist, Michael
21 Rappaport; is that correct?

22 A Correct.

23 Q And how did that come about?

24 A As soon as I hired Mr. Hirsch, he said, he advised me
25 to see on a weekly basis Dr. Rappaport.

1 Q And during the pendency of the case, you were seeing
2 Dr. Rappaport as well as dealing with Mr. Hirsch; is that
3 correct?

4 A Well, I would see Dr. Rappaport on a weekly basis for
5 the first year. And Mr. Hirsch, I rarely, I never met with on a
6 one to one, very rarely did I have a meeting. It was a weekly
7 meeting with Dr. Rappaport that I would get an update on what's
8 happening with the case.

9 Q Let's fast forward to the issue in the motion. Tell
10 the judge the first time that Mr. Hirsch suggested to you that
11 you should leave the country and the circumstances.

12 A It was November 2003, nothing had happened in my case
13 for a good six months. I didn't know where things stood, so he
14 called me and-- I don't believe he called me. He sent a letter.
15 That's how he usually corresponded with me saying I would like
16 for you to meet in my office.

17 This was November 2003 and I went thinking that it was
18 going to be an undate, the trial should be coming up. This is
19 already two years, almost three years into the case, and I
20 wanted to go to trial.

21 I wanted to get this behind me. I went into his
22 office and he said this is where we stand. He was very upfront
23 as far as a fifty fifty type case. The evidence is
24 circumstantial.

25 You know that if you are convicted of circumstantial

1 evidence, and I have gotten to know you over these years, and
2 you know, if I were you or if I could do anything, I would make
3 you disappear.

4 You speak Spanish, you travel a lot, you know prison
5 is not going to be good for you. I certainly don't want to see
6 you there and that could be where you could go, and basically
7 that's the message that I got quite clear from him.

8 Q All right. Did he make any reference to your
9 sexuality and your ability to survive in prison because of it?

10 A He did not. That was something that Dr. Rappaport
11 established in our meeting.

12 Q Okay. And what was your reaction to those comments
13 by Mr. Hirsch?

14 A I remember leaving his office and going into the
15 parking garage going to my car and I just broke down. I cried.
16 It was like my attorney had given up. That's the message. He's
17 telling me basically to flee, to leave. I mean, this is the
18 end. I thought the fight ended there.

19 Q All right. What did he specifically tell you, if you
20 can quote it, that made you believe he wanted you to flee the
21 country?

22 A In that particular meeting, it was, if I were you, I
23 would just disappear.

24 Q Okay. Now, did you have subsequent meetings with
25 Mr. Hirsch where the topic of you leaving the country was

1 discussed?

2 A Well, right after that November, that was November
3 2003, I remember it clearly. In fact, it was the last week in
4 November, he had told me before I left, he said, go meet one
5 more time with Dr. Rappaport.

6 He said, I know you haven't been seeing him. I
7 stopped the meetings because I found they weren't very
8 productive. We were talking about what I was doing at work and
9 current affairs and it was a lot of money, \$175 an hour, and the
10 amount that I was spending in this case, my family, it wasn't
11 worth it, so I was reluctant to see him another time.

12 But he sent me a letter I believe in January, December
13 or January, because I hadn't seen him after. Like I said, in
14 that meeting, he said go see Dr. Rappaport one last time. A
15 month went by, two months. I got a letter and he said, please
16 go see Dr. Rappaport. So I did and he basically said, you
17 know--

18 Q He, Dr. Rappaport?

19 A Yes. Dr. Rappaport said, you know, I know you met
20 with Milton. You know, he gave you a message. Do you have any
21 doubt? I just want to say that you know you can be a fugitive
22 and he told me that it's not difficult.

23 He was telling me that there is fake I.D.'s. He even
24 told me his two sons left the country one time and they look
25 alike and they use different types of identification. He talked

1 about plastic surgery.

2 He talked about, you know, being low profile. He
3 mentioned all these things that were collaborating the
4 information, the advice that Mr. Hirsch gave me in his meeting.

5 Q Did Dr. Haber ever directly refer to Milton Hirsch as
6 saying that he wanted, that Milton Hirsch wanted you to do this?

7 THE COURT: You said Dr. Haber?

8 Q Yes, I'm sorry. Dr. Rappaport. I saw Haber earlier
9 here.

10 THE COURT: I actually listen.

11 A In that session, he said, well, I know you met with
12 Milton. I'm here to, you know, convey the message.

13 Q After that meeting with Dr. Rappaport, did you speak
14 to Mr. Hirsch again where the subject was discussed?

15 A Well, right after that, then I'm thinking here are my
16 attorneys giving me this advice. My therapist is telling me
17 this and my attorney is one of the best criminal Defense
18 attorneys.

19 That's why, you know, I was shocked and I felt I had
20 to do what he said and now my therapist is telling me the same
21 thing and this is the first time in the criminal justice system.
22 I have never needed an attorney.

23 I never sought an attorney before. I did not-- I
24 needed to listen to my attorney. And to answer your question
25 right there, yes, I remember then making the decision in my head

1 this is something I have to do.

2 Q Did you discuss it further with Mr. Hirsch?

3 A We would still have court appearances. I was still
4 traveling. And every time I traveled, we always had to come
5 into court for all of those thirty trips and get approval, so
6 there was some trips and he's like, oh, you're still here.

7 Q He said, oh, you're still here?

8 A Making jokes that would be interpreted as jokes, nice
9 to see you, I wasn't expecting you to show up here.
10 Particularly when we got into the Frye motion because I had told
11 him, in fact, I probably sent a letter to his office is how or
12 faxed him is how I communicated often with him so that he knew
13 exactly this is what was on my mind saying that, listen, you
14 know, I need to drag this out because I needed a couple months
15 to prepare.

16 I got to finish up work at my job. We had a big
17 conference that we were planning in Washington that May. This
18 is January I'm talking about of 2004. By that May, you know, if
19 you can drag it out as long as you can, give me around four
20 months. By June, I should have everything all set and then he
21 did the Frye motion.

22 Q What does all set mean?

23 A Well, I interpreted that to mean that, you know, the
24 trial was not going to be established until later.

25 Q What I'm asking you is conversations that you had

1 with Mr. Hirsch where the subject of you fleeing was discussed,
2 did he make any further references to you disappearing, going to
3 another country, anything like that? That's what I'm asking
4 you.

5 A Yes.

6 Q That's what I want you to talk about.

7 A When I went, I showed up for every hearing. I guess
8 you call it a hearing during the Frye motion, and they made
9 comments as we were walking out, I heard property is cheap in
10 Argentina these days, and, what's the weather down there in
11 South America?

12 Things that obviously after meeting with him and
13 hearing that advice, going to Rappaport, it was clear as day
14 what the message was.

15 Q Did you ever ask him directly should I flee?

16 A No.

17 Q Why not?

18 A Because it was not something that I wanted to do. It
19 never was something that I would even have suggested or thought
20 of until I heard it from my attorney. It was no need for me to
21 say should I. It was being said to me.

22 Q He was telling you I wish I could make you disappear?

23 A That is correct.

24 Q All right. That's not directly telling you to flee
25 the country. That's a rhetorical statement. Correct?

1 A That is correct.

2 Q Why did you believe he meant for you to flee?

3 A Here I have one of the top criminal Defense attorneys
4 in Miami telling me this. I knew he's putting his career, his
5 reputation, on the line by telling me this.

6 I had no reason to question it. I call it brain
7 washing. I would do anything my attorney would do to help me.

8 Q If he would have told you to go to the ninth floor of
9 this building and jumped off, would you have done that?

10 A You know, so brain washed-- I don't know if brain
11 washed is the right word. I'm not a psychologist, but if he
12 said that's what you need to do, you know, I probably would do
13 it.

14 And then even before this, Michael Haber, who was
15 working with Mr. Hirsch on the case, one time there was an issue
16 I wasn't listening to Mr. Hirsch in one item and he sent me an
17 E-mail and he said, Sean, you need hire a hypnotist, Charles
18 Mutter. It was a thousand dollar hypnotism.

19 I didn't know, but Mr. Hirsch wanted me to see this
20 hypnotist and I hadn't done it and Michael Haber sent me an
21 E-mail saying strongly, you know, you would be gravely mistaken
22 if you don't listen to anything Milton Hirsch has to say. He's
23 the best. I don't have a copy. I don't have it, but I can.
24 It's probably in my file.

25 Q All right. When you went to Chile, did you tell him

1 ahead of time you were leaving?

2 A No, I did not.

3 Q All right. And you were subsequently detained down
4 there, is that correct, by the Chilean officials?

5 A A lot happened before that.

6 Q I know that, but we don't need to hear about it all.

7 A Yes.

8 Q Were you detained by the Chilean officials for
9 immigration problems?

10 A Yes.

11 Q All right. And did the Chilean officials begin
12 deportation proceedings against you?

13 A Yes.

14 Q All right. And did you thereafter contact
15 Mr. Hirsch's office and have your attorneys contact Mr. Hirsch's
16 office and arrange for the preparation of an affidavit and the
17 receipt of some court documents?

18 A That is correct.

19 Q And is the affidavit that's contained in the motion
20 to vacate conviction and sentence the affidavit that Mr. Hirsch
21 sent to your Chilean lawyers?

22 A Yes, it is. That's the first version. He sent a
23 second copy later.

24 Q Okay. Let me go back a second to meetings that you
25 had in your office with your mother and yourself with

1 Mr. Hirsch; is that correct?

2 A That is correct.

3 Q All right. And how many times did you and your
4 mother meet with him?

5 A Just the time we hired him.

6 Q Did you have a subsequent meeting where there was
7 some discussion about you disappearing?

8 A The meeting with her?

9 Q That's what I'm talking about.

10 A Yes.

11 Q That's what I want you to tell the judge. What did
12 Mr. Hirsch say in that meeting with your mother present
13 regarding you not showing up for court?

14 A I had met with him in November 2003. It was May 2004
15 when I was shocked at the advice that I was being given and I
16 knew my mom, my family was not comfortable with me leaving, with
17 me fleeing.

18 Q Did you discuss leaving with your family?

19 A I had discussed what my attorney had told me.

20 Q Okay.

21 A Yes. And they still were uncomfortable so I said,
22 mom, you got to meet with him, hear it for yourself. If you
23 hear it from him, you know, then I'm sure you will be
24 comfortable because this is the first time we have been in the
25 criminal justice system, first time with an attorney. We

1 listen, especially someone who has written a text book of
2 Florida criminal procedure.

3 Q So you and your mother had a meeting with Mr. Hirsch?

4 A Yes.

5 Q Tell the judge what, if any, discussion occurred
6 regarding you disappearing or leaving the country and not
7 appearing for trial?

8 A He said basically the same thing. He told me, not as
9 direct, more indirectly, but he made the same comment.

10 Q What was the comment?

11 A I wish he would just disappear. If I had a magic
12 wand, I believe he said, he would disappear. And as they're
13 walking out of the office, he had his arms around her saying
14 just bring him to Argentina.

15 Q He told your mom, bring him to Argentina?

16 A Yes. Send him or bring him. I don't know the exact
17 words.

18 Q All right. Now, you were eventually arrested in
19 Chile. You were deported, sent back to the United States and
20 arrested in Miami on the AC that was issued in this case.
21 Correct?

22 A That is correct.

23 Q All right. And subsequent to that, you had
24 discussions with Mr. Hirsch?

25 A Prior to that, yes.

1 Q After you got back into the country?

2 A Yes.

3 Q All right.

4 A But I also did prior, while in Chile, have
5 communication.

6 Q What were your communications with Mr. Hirsch?

7 A When I knew that, when I was advised that I had visa
8 problems, I was going to be deported, I sent an E-mail to
9 Mr. Hirsch's office and telling him where I was, the situation
10 with the legal situation I was under, please help. You're my
11 attorney. What can we do?

12 Q You wanted Mr. Hirsch to help you stay in Chile?

13 A I wanted him to advise me legally what I should do.
14 I wanted to return and that E-mail says it there. I wanted to
15 see how can, you know, how can we fix it, and that's when, you
16 know, my mother contacted him and I don't know if I should say
17 what he told her. That would be hearsay.

18 Q She will talk about that. Now when you got back to
19 Miami, you met with Mr. Hirsch?

20 A I mean, he was in contact with my Chilean attorney so
21 he knew exactly what was happening down there. He knew I was
22 detained. He knew when I was going to be brought back and so
23 there was no surprise.

24 I was brought in, the flight arrived 5:30 in the
25 morning and I had spoken to him just hours afterwards from Dade

1 County Jail and he came to see me with Dr. Rappaport and
2 Mr. Haber the next day.

3 Q All right. And was there any discussion about why
4 you left the country?

5 A There was between Mr. Hirsch and I. Between
6 Mr. Haber, no. Dr. Rappaport said, you know, why didn't you
7 change your name? You know, that was the first thing he says to
8 me. Why didn't you change your name? And they all said, don't
9 say anything to anyone.

10 Q About what?

11 A They didn't say. They just said keep your mouth shut
12 about anything. Don't say anything.

13 Q Okay. What was the context of-- that statement was
14 made to Mr. Hirsch or Rappaport?

15 A Mr. Hirsch and then he asked Dr. Rappaport to explain
16 to him, don't, he doesn't want to be talking to anyone about his
17 case.

18 Q Did Mr. Hirsch ever tell you not to say anything to
19 anyone about his statements to you about disappearing or leaving
20 the country?

21 A He said, don't open your mouth about your case to
22 anyone. Don't say anything.

23 Q All right. Now, eventually you took a plea in this
24 case?

25 A Yes, I did.

1 Q At the time that you took the plea in this case, were
2 you satisfied with Mr. Hirsch's services?

3 A No.

4 Q Why didn't you just get another lawyer or tell the
5 judge that you were firing Mr. Hirsch and wanted a Public
6 Defender?

7 A Something that, that's why I'm here. That's why I
8 realized that day something is wrong here.

9 Q What day?

10 A The day of October 17th, the day that I signed the
11 plea. The truth hadn't been told and then why didn't I. I
12 regret not having shouted out and saying this is what happened.

13 Q I mean, you said it to this judge right here that you
14 were satisfied with your attorney.

15 A I know, being that it was very intimidating. I had
16 two attorneys standing over there, if the judge remembers. They
17 asked can we stand beside our defendant and they stood side by
18 side and I just didn't think that was the appropriate time.

19 Q Why didn't you raise your hand and say, judge, I need
20 to tell you something about something my lawyer did that
21 affected my behavior?

22 A These are my attorneys. This is the first time in
23 six years of my case that I'm speaking in the courtroom.

24 Q But you were talking to a judge. He asked you a
25 bunch of questions.

1 A And Mr. Hirsch and Mr. Haber told me in the back
2 room, just answer yes or no to all of the questions, whatever,
3 just go along with them. And that's when I said, well, one
4 question, that I just see what's on TV as far as courtrooms, is
5 he going to ask me, you know, do you plead guilty? Are you
6 guilty of this crime? I said, I'm going to have a difficult
7 time pleading to that.

8 Q Let me ask you why when the judge asked you, are you
9 satisfied with your attorney, didn't you say something like,
10 yes, except for the advice he gave me to flee the country that
11 got me in worse trouble that I'm in already. Why didn't you do
12 that?

13 A Intimidation by my attorneys. They hadn't spoke up.
14 The prosecutor was making statements that were factually
15 incorrect and he wasn't saying anything. I should have. I
16 definitely should have said something and I didn't, but it
17 didn't take me long.

18 As soon as I stopped being quiet and I told people
19 what had happened, that I realized that something wrong happened
20 here, the next day I contacted another attorney and I contacted,
21 I sought out second opinion and they told me and what I figured
22 out was that I was tricked.

23 Q Who is the attorney that you contacted the second
24 day?

25 A I contacted you.

1 Q All right. Would you have left the country but for
2 Mr. Hirsch advising you to do so?

3 A Definitely not.

4 MR. MARKUS: I have no further questions.

5 THE COURT: Cross examination, please?

6 MS. LEVINE: Most respectfully, Judge, I have to go to
7 the bathroom.

8 THE COURT: All right. Five minute recess?

9 MS. LEVINE: Yes.

10 THE COURT: Okay. We'll be in recess for about five
11 minutes, please.

12 (Thereupon a recess was taken after, which the
13 following proceedings were had:)

14 THE COURT: Back on the record, please. We'll let the
15 record reflect the presence of the defendant, Defense
16 counsel, and the Assistant State attorneys.

17 Cross examination, please?

18 CROSS EXAMINATION

19 BY MS. LEVINE:

20 Q Thank you, Your Honor. Mr. Casey, the day after this
21 crime occurred, you went to see Milton Hirsch; isn't that
22 correct?

23 A One of three attorneys.

24 Q Sorry?

25 A One of three attorneys. He wasn't the only attorney.