

1 that asked if the State was offering a plea bargain?

2 A No. One of them, one of the motions was-- and this
3 is something that's important-- that when those two months prior
4 to trial, Mr. Hirsch said, Sean, it's not much things I can
5 guarantee you in this criminal justice system, but one thing I
6 can guarantee you is the fact that you went to Chile is not
7 coming into evidence. I guarantee you.

8 And one of the motions that you got the judge to grant
9 was the fact that me fleeing to Chile would be used in admission
10 of my guilt.

11 Q Okay.

12 A So at that point, I mean, that to me is detrimental
13 to a case too because that's going to bias a jury.

14 Q Because that's evidence of guilt, isn't it,
15 Mr. Casey? You knew that your fleeing was going to be used to
16 show that you were guilty?

17 A No, but--

18 Q So what were you worried about?

19 MR. MARKUS: Judge, can he finish?

20 THE COURT: Yes. Let him finish.

21 A I knew at that point that, you know, the truth would
22 have to come out about Chile, the fact that I went there was
23 going to be brought up, that here I have an attorney, which is
24 what I'm telling you today is all he told me and his involvement
25 of it that would have to come out.

1 Q But the involvement was that he wanted the charges to
2 disappear, not for you to disappear.

3 A I don't know that.

4 Q And certainly you would have taken the stand and
5 explained to the members of the jury that you left because you
6 weren't guilty?

7 A That's correct.

8 Q Okay. But you chose not to do that after about an
9 hour-and-a-half of talking to your lawyers about the plea?

10 A I had twenty minutes.

11 Q Twenty minutes?

12 A We had twenty minutes. We recessed that day and it
13 was maybe fifteen minutes that I talked to my attorneys and they
14 were pushing me to sign the plea.

15 Q Mr. Casey, if it was an hour-and-a-half, if it was
16 twenty minutes, if it was ten minutes, at no time did you tell
17 Mr. Hirsch I don't want to take this plea because I want to get
18 on the stand and say that you told me to go to Chile?

19 A I did not. I did not find it appropriate. That
20 wasn't the time.

21 Q In fact, that hadn't even crossed your mind, had it?

22 A It was in my mind. It certainly was in my mind to
23 say what's going on here?

24 Q And you remember his honor, Judge Glick, asking you,
25 have you had an opportunity to discuss with your lawyers the

1 facts of these cases as presented by the prosecution or any
2 documentation as to what the State intended to prove and you
3 answered, yes, sir. Remember that?

4 A With both of my attorneys on either side of me, yes,
5 telling me to answer, go along with the questions.

6 Q Now Mr. Casey, you have been in the courtroom many
7 times through the course of this case, haven't you?

8 A Never pretrial motions, no.

9 Q But you watched many defendants sit and wait for
10 their cases to be called. I mean, you had to be in court, what,
11 thirty times because you came to court before the motion to
12 travel, after the motion to travel, and you weren't the first
13 one on the docket. You watched lots of people talk to the
14 Court. Right?

15 A You know, it's not often that you see a defendant
16 from this side of the booth speak directly to the judge.

17 Q But you never took it upon yourself, a person that
18 works in a very high powered business, to say to the judge, no,
19 judge, I want new lawyers?

20 A I wish I was more out spoken. Like I said, this is
21 the first time I'm ever speaking on this case in court.

22 Q Well, you wish you were more out spoken because you
23 don't like the results. You went back to your cell and you had
24 buyer's remorse, didn't you?

25 A No, I did not.

1 Q In fact, you relayed that to your cell mate who was
2 in for pretty much the same thing, wasn't he?

3 A No, that's not correct.

4 Q What was your initial cell mate in for?

5 A What do you mean?

6 Q The one that's represented by Mr. Markus.

7 A No. This was someone, a friend of a friend.

8 Q And he got a much better deal than you did, didn't
9 he?

10 A That, I don't know the specifics.

11 Q Isn't that what sparked the conversation for you to
12 call Mr. Markus that you felt you had gotten a raw deal from
13 Mr. Hirsch?

14 A That is not true.

15 Q And this person in the jail told you, hey, I have
16 David Markus. I got a better deal. You need to move aside that
17 plea and have Mr. Markus represent you?

18 A No. That is not true.

19 Q That's not how it came out?

20 A No.

21 Q How did you get Mr. Markus' name?

22 A That's how I got a name recommended as an attorney to
23 consult with. But the truth had to come out on this when what
24 had happened and why I did what I did, my side of the story has
25 not been told even yet on the accident.

1 It had nothing to do with buyer's remorse. Why would
2 I be here trying to vacate my motion knowing quite possibly I
3 can be putting myself in a worse situation. If we go to trial
4 and lose, I can get more time. So it's not about that. It's
5 about clearing the record and the truth will prevail.

6 Q And the truth is that at no time did Mr. Hirsch
7 assist you in leaving this country?

8 A He advised me to leave.

9 Q He did nothing to assist you?

10 A He assisted me to stay out of the country.

11 Q How is that, sir?

12 A He sent affidavits to my attorneys in Chile to be
13 able to fight the deportation order.

14 Q Mr. Casey, there is nothing in that affidavit that's
15 untrue. Did you read that affidavit?

16 A Yes, I did. But the purpose of its intent was and he
17 knew what it was for was to prevent me from coming back to the
18 United States.

19 Q Either way, Mr. Casey, it was you that left, wasn't
20 it?

21 A It was me.

22 Q And it wasn't Dr. Rappaport that told you to go?

23 A He certainly encouraged it and gave me tips and had
24 the whole everything going through my mind as if it wasn't that
25 hard.

1 Q Oh, it wasn't going to be that hard for you to say
2 good bye to your mother and never see your mother again? Wasn't
3 that the conversation that you had with Dr. Rappaport?

4 A No. He said that you will be able to come back to
5 the United States, just don't go through Miami. He said he had
6 a client once that he also was a fugitive, went to Switzerland
7 and came back through New York and never got caught. I mean,
8 that was the extent of the conversations we were having.

9 Q Isn't it true, Mr. Casey, that you had an opportunity
10 to speak to Mr. Hirsch about all of your defenses and you chose
11 to take this plea on that day at that time?

12 A I don't follow your question.

13 Q You had an opportunity to speak to Mr. Hirsch about
14 all the defenses in your case and you're the one that chose to
15 take the plea?

16 A I didn't have many opportunities. He certainly knew
17 that I wanted to go to trial. I mean, I wanted to go to trial.
18 Just a month before, I was ready to go to trial.

19 Q Mr. Casey, he even hired a jury consultant that sat
20 in the courtroom with us that day ready to pick a jury for your
21 case?

22 A That is correct.

23 Q And the Court asked you, have you had an opportunity
24 to discuss with your attorneys any defenses that you might have
25 to any of these cases? When I say defenses, there are a number

1 of defenses that apply to different cases.

2 The Court goes on, there are defenses such as alibi.
3 I could not have committed this crime because I was not in the
4 place where the crime was committed and I can prove that.

5 Do you remember his honor having those discussions
6 with you?

7 A You mentioned the jury tactics guy. You maybe want
8 to ask him what his opinion was, what happened. He was shocked
9 on what was going on.

10 THE COURT: That's not her question. Her question is,
11 do you remember me saying that to you in a very long
12 discussion we had about meeting with your attorney,
13 discussing the facts and defenses, and I went through all
14 of the defenses that might possibly apply to a case like
15 this. That's what the question was.

16 A I apologize. I remember going through all the
17 questions, yes.

18 Q And the Court asked you, but I need to know did you
19 have an opportunity to explore all the possible defenses and
20 discuss the possible defenses with your attorneys to each one of
21 these cases?

22 Answer: Yes, Your Honor.

23 Do you remember that?

24 A Yes.

25 Q And do you remember the Court asking you, are you

1 satisfied with the work your attorneys have done on each of
2 these cases and any advice that they may have given you about
3 the plea that was offered to you by the prosecution?

4 And you answered: Yes, sir.

5 A I'm not denying that I answered the questions that
6 Your Honor asked, but I repeat, I didn't consult with anyone
7 about what was going on, how I could go about telling what had
8 happened, and I regretted signing the plea agreement.

9 I didn't wait. I didn't delay. The next day I
10 contacted an attorney. It was something that I thought long
11 about. And not only that. There were other things I found that
12 weren't true later.

13 Mr. Hirsch brought me to the back room there and he
14 said, you know, you will be out in ten years. He said, you will
15 be out-- to me privately-- he said, you will be out in ten years
16 and you will go to Chile. You know you will. I'll even see you
17 there. We'll celebrate.

18 Well, the truth now is that I have been through
19 Corrections and even on gain time I didn't understand
20 consecutive and concurrent. The truth is that my sentence runs
21 to, my release day is 2019. With gain time, that's twelve years
22 or something and the fact is that most likely with the felony
23 conviction, I won't be able to travel any more, so he should
24 know that and those are two elements that were very fundamental
25 for me.

1 My career is based on international travel and he
2 knows that and here I'm basing a decision to sign a plea because
3 he's telling me you will be able to go to Chile. It could be I
4 may not as a convicted felon be able to go to Chile.

5 Q Let me draw your attention to this question by the
6 Court prior to him even accepting the plea and hearing from the
7 victim's family members and your mother giving you even a break,
8 the Court said to you: One other thing we need to do and make
9 sure that the record is clear about this. Remember these words?

10 Has anyone, including any lawyer, promised you exactly
11 to the day, to the week, to the month, to the year, when you
12 will be released from custody in either one of these cases?

13 Answer by you: No.

14 The Court: I can't hear you.

15 The defendant: No, sir. No, sir.

16 The Court goes on: Has anyone, including any lawyer,
17 promised you exactly how much gain time the Department of
18 Corrections would award you if any in each of these cases?

19 Answer: No.

20 Do you remember answering those questions to his
21 honor's questions?

22 A Well, I wouldn't say it's a promise, but it's a fact
23 that my gain time does, even if I were to do ten years and the
24 fact is I would not be able to go to Chile or traveling
25 internationally would be difficult. So those insinuations you

1 will be out in ten years and I'll see you in Chile is not
2 accurate.

3 Q Isn't it true, Mr. Casey, that at the time of the
4 motion to suppress, you had nothing to add to any of the
5 statements that were made by the police, it was exactly as they
6 recounted it?

7 A No, it is not.

8 Q And isn't it true, Mr. Casey, that on the day you
9 decided to leave to go to Chile, you did that on your own free
10 will, just like on October 17th, 2006, you took the plea?

11 A No.

12 MS. LEVINE: May I have a moment, Judge?

13 THE COURT: Sure.

14 MS. LEVINE: Nothing further at this time of this
15 witness, Judge.

16 THE COURT: Any redirect?

17 MR. MARKUS: Very briefly, Judge.

18 REDIRECT EXAMINATION

19 BY MR. MARKUS:

20 Q You said that you didn't think the plea colloquy when
21 the judge was talking to you was the time to raise your
22 complaint about Mr. Hirsch. Will you please explain to the
23 judge why you felt that way?

24 A Your Honor, I was intimidated. I held Mr. Hirsch up
25 on a pedestal and I never spoke out in the courtroom. This is

1 the first time I'm speaking out in a courtroom. I didn't know
2 how to address it. I didn't feel I could, to be honest with
3 you.

4 I stood here. I did. I kept on doing as they told me
5 to do and just answered yes or no. But right away that very
6 same day, I realized this was a mistake because I did not get an
7 opportunity to correct what had happened and inform the Court
8 what had happened and hopefully if you do vacate this plea and
9 we go to trial, give me the opportunity to correct information
10 that's been stated that's incorrect.

11 Q When you were standing in front of the judge, you
12 knew the reason he was asking you these questions was so he can
13 be satisfied in his mind that you were accepting this plea
14 voluntarily, didn't you?

15 A Yes.

16 Q You knew that he wasn't just chatting with you. He
17 had a purpose to his questions?

18 A No. I'm sure those were questions, standard
19 questions he has to ask everyone.

20 Q And you're telling this judge basically through this
21 motion that your plea--

22 MS. LEVINE: Objection, Judge. Leading.

23 THE COURT: Let him say the question all the way
24 through first.

25 Q And what you're trying to communicate to this judge

1 through this motion is that your plea was not voluntary because
2 your attorney had a conflict of interest based upon giving you
3 some advice to leave the country; is that correct?

4 MS. LEVINE: Same objection.

5 A Correct.

6 Q Why didn't you bring it up to the judge?

7 THE COURT: Excuse me. Can I rule on the objection?
8 Overruled. Next question.

9 Q Sorry, Judge. I got excited. Why didn't you bring
10 it up to the judge? If that wasn't the time, when was the time?

11 A It was a mistake. It was a mistake. I should have.
12 I can't deny it. That was the time, but again, my two attorneys
13 were there. My attorney was there looking at me standing,
14 pressuring me.

15 Was that the time to say how can I do this, you're the
16 one that got me into this mess. It just didn't seem like that
17 would be the way to handle it.

18 THE COURT: Do you remember the part where your mother
19 thanked me for initiating the plea negotiations in this
20 case? Remember that part?

21 A Yes.

22 THE COURT: Because I asked, as I do of all the
23 lawyers, is there any offer on the table. And the answer I
24 got from the lawyers was, well, he never asked for one and
25 she never offered one, as if it was, well, unless he asks

1 me first, I'm not going to do this.

2 And whether that's right or wrong, that's not the
3 point. The point was in order to make sure that there are
4 no offers made that we don't know about that later come to
5 light and a client can come back and say, you know, I
6 didn't know this offer was on the table; otherwise, I would
7 have grabbed it other than going to trial and being
8 sentenced. We always ask that question. Okay? Do you
9 remember hearing me say that?

10 A I remember you saying she thanked you and you can ask
11 her if she testifies later why she did that.

12 THE COURT: I don't care why she did it. The fact she
13 ever even responded that way led me to talk about the
14 reason that we talk about these things and it's an
15 opportunity for people to say whatever they want to say
16 about the case and that's why we let all of these people
17 talk. I just wondered if you remember that part.

18 A I remember that Mr. Hirsch asked my mother to speak
19 and the prosecutor asked someone to speak, the victim's niece,
20 but I did not know. I was never--

21 THE COURT: That's not what I'm asking. I'm asking
22 you, do you remember your mother thanking me for sparking
23 the plea negotiations? That's not the word she used.

24 A Yes, I do.

25 THE COURT: All right. Anything else?

1 MR. MARKUS: No, sir.

2 THE COURT: Anything else?

3 MS. LEVINE: No. Thank you, Judge.

4 THE COURT: Yes?

5 MR. MARKUS: Genovive Casey.

6 THE COURT: If you can bring her in, please. We sort
7 of canceled our afternoon thing so we can complete this
8 hearing today. And as soon as Ms. Casey is completed with
9 her testimony, we're going to give the staff a short lunch
10 recess and then pick it up after that. Okay?

11 MR. MARKUS: I don't think anybody invoked the rule,
12 but I would do so at this time.

13 THE COURT: Do you want to now?

14 MR. MARKUS: Yes.

15 THE COURT: Okay. Swear in the witness first, please.

16 THE CLERK: Raise your right hand.

17 THEREUPON:

18 GENOVIVE CASEY

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

21 THE COURT: Have a seat over here, please. All right.
22 We'll let the record reflect the witness rule has been
23 invoked. Those people that are potentially witnesses, we
24 would ask you to step outside, please.

25 Please don't discuss your testimony with any other

1 witness or allow any other witness to discuss it in your
2 presence and we'll get back to you as quickly as we can.
3 Go ahead, please.

4 DIRECT EXAMINATION

5 BY MR. MARKUS:

6 Q Tell us your full name.

7 A Genovive M. Casey.

8 Q How are you related to the defendant?

9 A I'm his mother, Sean's mother.

10 Q Okay. Did you prepare an affidavit that was used in
11 this case?

12 A Yes, I did.

13 Q All right. You have it in front of you?

14 A Yes.

15 Q Is that affidavit correct?

16 A Yes, it is.

17 Q All right. Tell us about the meeting on May 12th
18 with Mr. Hirsch.

19 THE COURT: Hang on for one second. It will assist
20 the court reporter and other people if we use the
21 microphone. Thank you.

22 Q You met with Mr. Hirsch and your son on May 12th of
23 2004?

24 A Yes, I did.

25 Q All right. And why did you come down to Miami to

1 meet with Mr. Hirsch on that day? What motivated that
2 particular meeting?

3 A Sean had told us that his attorney had advised him to
4 flee the country and I guess this was going on for several
5 months. And when Sean informed us of that, I just, I mean, I
6 couldn't believe an attorney was saying that. So I said to
7 Sean, I want to meet with your attorney.

8 We didn't meet with Hirsch that often, but I wanted to
9 meet with him. I was going to tell him that I didn't think Sean
10 should flee and I just wanted to hear it from his attorney, why
11 he was saying that.

12 Q Okay. And you make reference in your affidavit to
13 Mr. Hirsch saying that he wanted to make Sean disappear?

14 A Yes.

15 Q Could you explain that for us?

16 A He made a reference in the beginning of our
17 conversation that he wished he could put Sean in another planet
18 and make him disappear and he was talking about when people
19 leave the country, he's known people to put disguises or put a
20 beard or change their disguise.

21 And then he told me that because we talked about the
22 case and he said there is no chance of an acquittal and if Sean
23 was convicted, he's going to go to jail for a very long time and
24 I just couldn't understand it.

25 Why? Why? I mean, I just didn't understand his

1 attorney giving up hope. I just couldn't believe his attorney
2 was giving up hope on the case. So he said it over and over,
3 you know. That if he gets convicted, he's going to go to jail
4 for a very long time.

5 So at the end of the meeting, we were walking out and
6 Sean walked ahead of us and Milton was walking beside me and he
7 said, you know, he said, if I were you, I would make Sean
8 disappear. I mean, I just took the reference that he was
9 telling me to tell Sean to leave.

10 Q Did you say anything back?

11 A No. I mean, I was-- I guess I was in disbelief
12 because as we were going out, he took me to the door and we
13 left.

14 Q Any further conversation?

15 A Not with Mr. Hirsch.

16 Q All right. The next day, did you meet with
17 Dr. Rappaport?

18 A Yeah. Dr. Rappaport also told Sean to flee.

19 Q That's what Sean told you?

20 A Yes. That's what Sean was telling me and I wanted to
21 meet with both of them.

22 Q Okay.

23 A And so when I met with Dr. Rappaport, he was saying
24 Sean should flee the country.

25 Q What did he say specifically?

1 A Well, he specifically said that, you know, I think
2 Sean should leave the country. It would be better for him. He
3 said that listen to your attorney. He said that several times,
4 listen to your attorney.

5 To Sean he said, Sean, listen to your attorney. It
6 will be best if you fled. And then I had asked him what if he's
7 caught? I said, what will happen to Sean if they catch him?

8 And he said he comes back and it will be a federal
9 offense and he will go to federal prison which is better for him
10 because Sean is not going to make it in state prison. I mean,
11 so this is how the conversation went.

12 Q All right. The next thing of significance that
13 occurred is you had a conversation with Mr. Hirsch regarding the
14 bail bondsman?

15 A Yes. Russ Walters called the house in September and
16 left a message at the answering machine and I was afraid to call
17 him back because he had a rough voice.

18 So I called Milton Hirsch and I said, what should I
19 do, and he said that, he said not to worry, that no one is
20 looking for Sean. He said to just pay the five thousand dollar
21 bond and he said that he would call Russell Walters and he said
22 Sean will be fine.

23 Q He would be fine?

24 A Sean would be fine. He said, don't worry, Sean will
25 be fine.

1 Q All right. And was there any further conversation
2 about Sean remaining in Chile?

3 A No, not at that time.

4 Q Did you tell Mr. Hirsch where Sean was?

5 A No.

6 Q Did you know where Sean was?

7 A At that time, I didn't know where Sean was.

8 Q Okay. In October of '05, you contacted Mr. Hirsch
9 regarding the Chilean efforts to deport Sean; is that correct?

10 A Yes. We found out there was an international arrest
11 warrant for Sean, so I called Milton Hirsch because I didn't
12 know what to do and we don't know what to do and Milton said
13 that-- sorry, I'm nervous-- he said that Sean should, he said
14 Sean should stay in the country where he is and he said that if
15 he came back to the United States, he's going to go to jail for
16 a very very long time and then he said again that Sean will be
17 fine and he should just stay where he is and to contact an
18 attorney in Chile.

19 Q Did he make reference to a name change?

20 A He definitely the first thing he said to me when I
21 picked up the phone, he said, why didn't Sean change his name?
22 And I said, well, it's not easy to change your name, you know.

23 He goes, I don't know why he just didn't change his
24 name. He said it several times. Why didn't he change his name?

25 Q All right. Now you were in court the day Sean took

1 his plea; is that correct?

2 A Yes, uh-huh.

3 Q All right. And you spoke to the judge?

4 A Yes.

5 Q All right. At the time that you spoke to the judge,
6 did you think there was anything wrong with what was going on?

7 A Yeah. I just couldn't believe this is my first time
8 in court and I just couldn't believe what was going on.

9 Q Why didn't you say something to the judge?

10 A I just sat there and I was in disbelief because I
11 didn't feel Sean's attorney was working for him, was helping
12 him.

13 Q We understand that, but why didn't you say something
14 to the judge?

15 A Because Milton told me not to.

16 Q What did he tell you?

17 A Milton came up to me and said, I told the judge you
18 wanted to speak, and I said really? And I said, what am I going
19 to say? I said, well, I want to tell the judge that I don't
20 think Sean did this, and Milton said you can't say that. You
21 don't want to get the judge upset. Just thank the judge for the
22 plea and thank him for his time.

23 Q But at the time that you did that, you had in your
24 mind that Sean had been wronged by his attorney who told him to
25 flee. Correct?

1 A Yes.

2 Q And you put in this affidavit several instances of
3 the attorney or the attorney's psychologist telling Sean to do
4 something that you knew was wrong?

5 A Uh-huh.

6 Q Correct?

7 A Right.

8 Q And you heard the judge ask Sean a bunch of questions
9 to establish that he was satisfied with his attorney and that he
10 was entering this plea freely and voluntarily. You heard all of
11 that. Right?

12 A Uh-huh.

13 Q Right?

14 A Yeah.

15 Q And you knew that the judge was asking those
16 questions so he can satisfy himself that this was a fair
17 proceeding and that there was nothing hidden and everything was
18 above reward. Correct?

19 A Uh-huh.

20 Q Correct?

21 THE COURT: You need to say yes or no.

22 Q Why didn't you say to the judge, judge, this lawyer
23 should not be representing my son. He's the one that told him
24 to flee in the first place and I was there and heard it, too?

25 A I guess we were just afraid.

1 Q Afraid of what?

2 A I don't know. We have never been through this
3 before. I guess we were just afraid. An attorney should tell
4 you, help you on what to do, and I went down to the cafeteria
5 after this and everybody in the courtroom was saying, oh, he
6 should take the plea, he should take the plea.

7 We went down there and he said, I can't tell you what
8 to do, but Haber is saying you should take the plea. He will be
9 43 years old when he gets out. He will be younger than me. He
10 should definitely take the plea and it seems everybody was
11 saying, take the plea, he's facing fifty years. Do you want me
12 to go to jail for fifty years?

13 That's what they kept saying and fifty years seemed
14 like a long time and I just, I don't know, I just guess we were
15 just, we just kind of went along with it because that's what we
16 were supposed to do.

17 And after it was all over, I walked back to the hotel
18 and said, what happened? Just afterwards I was saying this is
19 wrong. I kept saying this is wrong. It's just wrong.
20 Something was wrong. Something went wrong.

21 Q So the idea of a case being resolved by plea was a
22 complete surprise to you?

23 A Yes.

24 Q Is that correct?

25 A Yes, very much a surprise.

1 Q And when you came to court that day, what did you
2 think was going to happen?

3 A A trial.

4 Q So you thought the trial was going to start?

5 A Yes.

6 Q But you still had concerns in your mind about Milton
7 Hirsch being the attorney, didn't you?

8 A Yes.

9 Q You didn't raise them with anybody, did you?

10 A No. Because Sean and I, Sean's father and I talked
11 about it during the course of everything going on, whether we
12 should get a new attorney and we figured we vested a lot of
13 money in this that we don't have and to get a new attorney at
14 this point, I mean, he had all the records and it will be like
15 starting all over again.

16 So we sort of trusted in him and trusted we have to
17 trust your attorney that he's going to help you out, but he
18 didn't.

19 Q But you didn't trust this attorney.

20 A Not really. Not really, no.

21 Q So it sounds like you were more afraid of insulting
22 the lawyer?

23 A Yes.

24 Q And annoying the judge than you were about the
25 prospect of Sean going to prison for twelve-and-a-half years

1 under circumstances that you thought were wrong?

2 A I'm sorry. Can you--

3 Q Well, I'm trying to understand why you didn't say
4 anything to the judge about what Mr. Hirsch had advised you of.
5 You're making very serious allegations about Mr. Hirsch.
6 Correct?

7 A Uh-huh. The truth.

8 Q You're basically saying that Mr. Hirsch acted in an
9 unethical manner in your affidavit. Correct?

10 A Uh-huh, yes.

11 Q All right. Why didn't you tell that to the judge?
12 The judge was asking about that.

13 A Because I thought I couldn't say anything because
14 Milton Hirsch said, don't say anything, just thank the judge for
15 the plea, for starting the plea, and thank him for his time and
16 said don't say anything else.

17 Q What did you care what Mr. Hirsch said? In your
18 mind, he was a crook.

19 A I don't know. I guess I was just, he intimidated me.
20 I was intimidated by him. A lot of times when I wanted to call
21 him, he didn't want to talk. He was very rough on the phone.

22 I mean, I couldn't even talk to him. Sean is afraid
23 to talk to him. Sean was afraid to talk to him. I said, ask
24 your attorney this, that's why you're paying him, and he said,
25 no, I can't ask him. He won't take my calls. He won't talk to

1 me. And even before the trial, he even saw Sean not once before
2 the trial, not once.

3 Q Did you feel intimidated by the entire courtroom
4 setting?

5 A Well, yeah. I never-- this never happened before so
6 I guess you get intimidated by the courtroom setting.

7 Q Have you ever been in a courtroom where you talked to
8 a judge before?

9 A No.

10 MR. MARKUS: All right. I have no further questions.

11 THE COURT: Cross examination, please?

12 MS. LEVINE: Thank you, Judge.

13 CROSS EXAMINATION

14 BY MS. LEVINE:

15 Q Mrs. Casey, I would like to ask you some questions.
16 You appeared at the meeting with your son and Mr. Hirsch on May
17 12th, 2004, didn't you?

18 A Yes.

19 Q And that meeting lasted about forty-five minutes?

20 A I guess forty-five minutes.

21 THE COURT: Excuse me one second. Go ahead, please.

22 Q And during that meeting, Mr. Hirsch spent time with
23 just you and Sean?

24 A Yes.

25 Q And during that meeting, Mr. Hirsch gave you an