

1 entire opportunity to listen to all the evidence that Mr. Hirsch  
2 had available against your son; isn't that correct?

3       A       No. He never said that. He just kept saying that  
4 there is no hope. I said, Milton, you know, what's going to  
5 happen to the case? What's going on?

6               He says, there is no hope. I have no hope in this  
7 case. He said, I have no hope for an acquittal. And he said,  
8 if Sean gets convicted, he's going to go to jail for a very very  
9 long time, and he said that wouldn't be good for Sean.

10       Q       Isn't it true, Mrs. Casey, that Mr. Hirsch started  
11 out by saying let's go over the evidence?

12       A       Yeah. He probably did, yeah.

13       Q       And he went over the evidence for approximately 25 to  
14 35 minutes?

15       A       I don't remember it being that long going over the  
16 evidence.

17       Q       Well, didn't you tape the conversation?

18       A       I refuse to answer on the grounds that it could  
19 incriminate me.

20       Q       So you know there is a tape that exists of that  
21 conversation?

22       A       I refuse to answer on the grounds that it could  
23 incriminate me.

24       Q       And you know that that tape shows that at no time did  
25 Mr. Hirsch say anything about I wish I can make Sean disappear;

1 isn't that correct?

2 A That's what I heard him say.

3 Q He wanted this to disappear for Sean because he felt  
4 sorry for Sean, not for Sean to disappear?

5 A No. That's not what I heard him say. I heard him  
6 say I wish I could put Sean in another planet somewhere and make  
7 him disappear, I took it to mean.

8 Q This to disappear.

9 A No. Make Sean disappear.

10 Q And if he was on another planet, then this wouldn't  
11 be happening to you and this wouldn't be real and your son  
12 wouldn't be looking at a very long prison term. Didn't he tell  
13 you that?

14 A Yes, if Sean wasn't here.

15 Q And he told you that there was a very good chance of  
16 him getting convicted because of all of the evidence that the  
17 State had against him; isn't that correct?

18 A Well, yeah. He said there is no chance of an  
19 acquittal.

20 Q He didn't say there was no chance. In fact, he told  
21 you there was a chance and he was going to work toward that  
22 chance every step of the way, didn't he?

23 A Well, not that. I thought he said there was no  
24 chance for acquittal. That's what I got the impression. There  
25 was no chance of acquittal.

1 Q And you felt that because those were the  
2 conversations that you had with your son?

3 A No. I listened very carefully to what Milton Hirsch  
4 was saying.

5 Q And so you knew from listening to all that evidence  
6 that your son committed a very serious crime?

7 A I don't believe my son committed a crime.

8 Q But you know from the evidence that the evidence  
9 showed that he committed a crime, not whether you believe it.

10 A Well, I guess it was his car and, I mean, I guess we  
11 didn't know all the evidence they had, but I knew it was his  
12 car.

13 Q And Mr. Hirsch went through that with you, how the  
14 evidence put him behind the wheel of that car, something you  
15 don't want to believe until this day is what happened.

16 A Well, I don't think all the evidence shows that Sean  
17 was driving the car.

18 Q Right. Because you don't believe Sean is guilty of  
19 the crime, do you?

20 A No.

21 Q There is no where that Mr. Hirsch said anything about  
22 a beard or a disguise during that session in his office; isn't  
23 that true?

24 A No. I believe he did say that. He talked about  
25 disguises.

1 Q Have you listened to the tape?

2 A I'm not going to answer that. It might incriminate  
3 me.

4 Q Mr. Hirsch did tell you that someone like Sean it's  
5 going to be hard for him to do the time. He told you that,  
6 didn't he?

7 A Uh-huh.

8 Q Yes or no?

9 A Yes.

10 Q And that made you very very concerned, didn't it?

11 A Yeah. It would make any mother concerned, but I  
12 think I would be more concerned with him leaving the country and  
13 never seeing him again either.

14 Q But after hearing the evidence against him, you  
15 panicked, didn't you?

16 A No, I didn't panick.

17 Q You didn't agree your son that he should leave the  
18 country?

19 A No. I left it, it was up to Sean. I did not want  
20 Sean to leave the country because I felt I would never see him  
21 again and I wondered if something happened to him, if he died, I  
22 would never see him or never know. I didn't know if I would  
23 ever see him again and I wouldn't want that for my son.

24 Q But he told you he would be able to contact you from  
25 where ever he would be, he would contact you?

1           A           But anything could happen. He could be murdered down  
2 there. At least in the States, at least I knew where he was and  
3 I could see him.

4           Q           At no time during your conversation with Mr. Hirsch  
5 on that May 12th, 2004 date, did Mr. Hirsch advise your son how  
6 to get out of the country. Correct?

7           A           I'm trying to recall whether he did say. No, I don't  
8 think he said how he can leave the country. He made the  
9 reference to Argentina.

10          Q           Would the tape help refresh your recollection?

11          A           No. I don't know.

12          Q           When you found out that the bondsman was questioning  
13 you about a five thousand dollar bond, you called Mr. Hirsch.  
14 Right?

15          A           Yes.

16          Q           And that's the first time Mr. Hirsch knew where his  
17 client was, wasn't it?

18          A           I guess.

19          Q           Because you certainly knew when your son was leaving  
20 the country. Right?

21          A           We didn't know exactly when, no.

22          Q           Around. Yes?

23          A           Yes.

24          Q           And then you knew he had reached his destination.  
25 Right?

1 A Not at that time, I didn't.

2 Q Not at the time that you heard from the bondsman?

3 A From the bondsman, I think maybe at that time I may  
4 have known where he was.

5 Q So it is your testimony before the Court that from  
6 mid May 2004 until the end of September, the beginning of  
7 October 2004, you didn't know where your son was?

8 A Not really, I didn't. I mean, I had an idea, but I  
9 didn't.

10 Q And did you call Mr. Hirsch and said, all right, he's  
11 gone?

12 A No. I just said that the bail bondsman called and I  
13 said I was afraid to call him back and he said not to worry,  
14 that no one is looking for Sean, and for me to pay the five  
15 thousand dollar bond and he said Sean will be fine and he was  
16 going to call Russell Walters for me.

17 Q And you felt comfortable with that because you knew  
18 Mr. Hirsch wouldn't call the authorities. Right?

19 A Well, he was his attorney. I don't know. I don't  
20 know. I just didn't know. At that point, I didn't know whether  
21 Mr. Hirsch would call the authorities. I didn't tell him where  
22 Sean was.

23 Q Oh, you kept that a secret?

24 A Because I didn't think I knew where he was at that  
25 point.

1 Q If Sean left and he was captured, how come you didn't  
2 advise your son to fire Mr. Hirsch if this was his idea?

3 A Well, we talked about that when Sean first came back  
4 and I went to see him and I said, Sean, should we get another  
5 attorney, and Sean says, I don't know.

6 He said, I don't know what we should do with it,  
7 whether we should hire a new attorney. When Sean came back, I  
8 felt he should hire a new attorney because when I called Milton  
9 Hirsch about the deportation order, Milton Hirsch already knew  
10 about it.

11 I didn't find out until a week later Sean was detained  
12 in Chile and then I called Milton Hirsch and he said, oh, I  
13 already know he was detained. And he said, yeah, I was helping  
14 his attorneys in Chile.

15 Q Did you think it was wrong for him to answer his  
16 attorneys in Chile?

17 A Yes, I thought it was very wrong. That's why we're  
18 here. I thought it was very wrong.

19 Q And you think it was wrong for your son to take a  
20 plea in this case, don't you?

21 A Yes.

22 Q And you knew that when you came here on October 17th  
23 that if he was convicted of the crimes he was charged with, he  
24 can be upwords to fifty years in state prison?

25 A Yes.

1 Q And you knew that he was being offered a sentence  
2 significantly less than that amount of time?

3 A Yes.

4 Q And you knew that it was your son's decision to take  
5 that plea or not take that plea; isn't that correct?

6 A Yes.

7 Q And you knew just like it was his decision to leave  
8 this country or stay in this country in 2004, that was his  
9 decision, not yours?

10 A Yes.

11 Q Because he's an adult?

12 A Yes, but he looked for us for advice.

13 Q But he leaves on his own?

14 A Yes.

15 Q And travels all around the world without your advice  
16 and consent?

17 A No, because he always told me where he was, where  
18 he's going, give me an itinerary because he knew I worried about  
19 him.

20 Q So for four or five months, you didn't know where he  
21 was and he didn't have the courtesy to tell you either because  
22 he does what he wants because he's an adult.

23 A No. Because he knew, he told me that if he left, he  
24 said he would be okay, not to worry about him. I was worried.  
25 I worried everyday.

1 Q Isn't it true, ma'am, that you're here today because  
2 you don't think that your son should do twelve-and-a-half years  
3 in state prison for a crime that he committed?

4 A Yes.

5 Q And didn't you call me last Thursday and ask me to  
6 please reduce his amount of time?

7 A I called because I wanted you to know what kind of  
8 person Sean was. No one got to hear Sean, no one got to speak  
9 with him because he pled. You get a plea and you can't voice  
10 your opinion and I called you because I wanted you to know the  
11 kind of person Sean is.

12 He's a good person and he would never have done  
13 anything to hurt anybody and I told you how my mother died in a  
14 car accident just five months before Sean was born and he knows  
15 what an accident can do to someone. And as a matter of fact,  
16 this accident happened after the anniversary of her death.

17 Q And didn't we discuss, ma'am, on the phone that you  
18 had already told the judge that Sean was a good man, he was so  
19 concerned, you knew the whole process, that he cared about  
20 getting his education and how much that costs you in money and  
21 how that was hard for you to afford, but he had obtained that  
22 education and that he had gotten school scholarships and he was  
23 a hard worker and that he started working in McDonalds when he  
24 was fourteen years old and that he would never do a crime like  
25 this.

1            Didn't I tell you you had already explained that to  
2 the judge and it wasn't about Sean's past, it was about Sean's  
3 crime?

4            A            Yes. That that's what you said.

5            Q            And didn't I tell you that there was literally  
6 nothing you could say to me that would change the plea in this  
7 case?

8            A            Yes.

9            Q            And isn't it true that you said you understood and  
10 you even understood the plight of the victim's family in this  
11 case?

12          A            No, I didn't understand the victim's family, but I  
13 understood what a death could cause.

14          Q            And do you remember his honor, Judge Glick, telling  
15 you after you spoke to the Court--and certainly you would agree  
16 with me that you didn't just say thank you and what was the  
17 other thing that you said that Mr. Hirsch told you?

18          A            Thank for you for your time and I think Judge Glick  
19 says, well, he gets paid for this any ways and then I said I  
20 want to thank you for starting the plea negotiations.

21          Q            And so that wasn't the only thing you spoke to the  
22 judge about because you spoke for approximately two pages all  
23 about Sean or how else would we know about this?

24          A            Right.

25          Q            And his honor told you about how difficult these

1 cases are?

2 A Yes.

3 Q And that it rises more to the level of intentional  
4 than stupid when you get behind the wheel of a car and you're  
5 under the influence of alcohol, medications, whatever it might  
6 be.

7 Do you remember the judge having that discussion with  
8 you while you were standing up before him?

9 A I remember something, but I don't remember everything  
10 because I was so nervous and scared. I don't remember  
11 everything that happened after that. I don't remember.

12 Q And at the time you knew that your son was facing  
13 upwards of fifty years in prison and you knew he was going to  
14 get twelve-and-a-half, so therefore there was a light at the end  
15 of the tunnel on that day, wasn't there?

16 A Well, I also saw that Michael Haber passed a note  
17 back to, there was another person in court and he said if we  
18 don't get this, we're sunk, we're sunk.

19 Q So you knew what a great deal that was on that day?

20 A No. I think it was better than fifty years, but--

21 Q But now today you want less than twelve-and-a-half  
22 and that's why you're here today, aren't you?

23 A Yes.

24 MS. LEVINE: No further questions, Judge.

25 A Because--

1 THE COURT: You can finish your statement.

2 A Yes. I wanted less than twelve-and-a-half years  
3 because I thought what happened in this courtroom, I've never  
4 been in a courtroom before, but I thought it was very bizarre  
5 all of this excitement and Milton Hirsch getting all excited  
6 about getting twelve-and-a-half years and I said, Milton, can't  
7 you ask the prosecutor for less time? Can't you ask them for  
8 less time?

9 I said to Michael Haber, can't you ask for less time?  
10 Isn't this supposed to be plea negotiations? And he said, no,  
11 no, we can't ask. No, that's what it's going to be, and they  
12 were all excited about this and I kept telling them why can't we  
13 get less time?

14 I asked Hirsch and Haber why can't we ask for less  
15 time if this is supposed to be plea negotiations and they said,  
16 no, no, we can't ask for any more. That's the best we can do.

17 THE COURT: Okay. Do you have anything else?

18 MR. MARKUS: No, sir.

19 THE COURT: You may stand down.

20 THE WITNESS: Yes.

21 THE COURT: Please don't discuss your testimony with  
22 any potential witness in this case.

23 THE WITNESS: Yes. Thank you.

24 (Thereupon, the witness was excused from the witness stand.)

25 MR. MARKUS: That is all I have, Judge.

1 THE COURT: Are you resting on the motions?

2 MR. MARKUS: Yes, Judge.

3 THE COURT: All right. We will be in recess until  
4 1:45. And when we come back at-- you know what? Let's  
5 make it two o'clock. At two o'clock when we come back, we  
6 will take the remaining testimony in the case.

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

9 THE COURT: Let's go back on the record. State of  
10 Florida verses Sean Casey. We'll let the record reflect  
11 the presence of the defendant, Defense counsel, and the  
12 Assistant State attorneys.

13 MS. LEVINE: Thank you. At this time, the State would  
14 call Milton Hirsch.

15 THE COURT: Step forward, please, and be sworn by the  
16 deputy clerk.

17 MR. MARKUS: Can I have Mr. Casey sit next to me?

18 THE COURT: Sure.

19 THE CLERK: Raise your right hand.

20 THEREUPON:

21 MILTON HIRSCH

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

24 THE COURT: Tell us, please, your full name and spell  
25 your last name, for the court reporter.

1 THE WITNESS: Milton Hirsch, H-I-R-S-C-H.

2 THE COURT: Thank you. Questions?

3 DIRECT EXAMINATION

4 BY MS. LEVINE:

5 Q Mr. Hirsch, what do you do for a living?

6 A I'm an attorney here in town.

7 Q How long have you been licensed in the State of  
8 Florida?

9 A Twenty-five years.

10 Q And are you licensed in any other jurisdictions?

11 A I'm licensed in a number of federal jurisdictions.

12 Q And what type of law practice do you have, sir?

13 A Criminal.

14 Q Did you ever defend a DUI case?

15 A Oh, yes.

16 Q And have you ever defended a DUI manslaughter case?

17 A Yes.

18 Q Did you come to represent a man named Sean Casey?

19 A I did.

20 Q Do you see him in the courtroom and describe an  
21 article of clothing he's wearing.

22 A He's sitting next to Mr. Markus in the yellow Dade  
23 County jump suit or orange.

24 Q Let the record reflect the witness has identified the  
25 defendant. Mr. Hirsch, when were you retained to represent

1 Mr. Casey?

2 A It was in the Spring of 2001, March or April,  
3 thereabouts.

4 Q Did you meet with him personally?

5 A At that time?

6 Q Yes.

7 A Yes.

8 Q Was he in or out of custody?

9 A He was out of custody.

10 Q And did you notice anything about his person, any  
11 injuries or anything of that nature that he had as a result of  
12 the crime?

13 A He had no injuries or disabilities of any kind. He  
14 did point out to me at our first or subsequent meeting that he  
15 had a scratch on his forehead, but that he did not attribute  
16 that to the crash, that it was pre-existing.

17 Q During that initial meeting, did you get some facts  
18 and circumstances from Mr. Casey?

19 A Yes.

20 Q Did he have a recollection of the events of the  
21 crime?

22 A None whatsoever. Throughout the entire period of my  
23 representation, he was quite adamant that although he wished he  
24 could remember what happened, that he had a complete failure of  
25 memory for the period of several hours including the time of the

1 crime.

2 Q What did he tell you he was doing at that time at  
3 about 1:30 in the morning the day of the crime?

4 A He had left his apartment on Miami Beach. He went to  
5 at least two bars that he knows of, one was in the South Miami  
6 area of Red and Sunset. He had several drinks there and he then  
7 drove to the North side of the county where he went to a bar  
8 that at the time was called Boardwalk in Sunny Isles Beach and  
9 his last recollection was drinking at that bar well into the  
10 hours of the next morning.

11 Q What else did he recall about that day?

12 A After that, he had a complete memory black out. As  
13 far as anything he ever told me, the next recollection he had  
14 was at approximately eleven o'clock in the morning when he  
15 recalled being awakened by the police at his door.

16 Q Now did you then conduct some of your own  
17 investigation?

18 A Very much so.

19 Q Did you review the arrest affidavit in this case?

20 A I reviewed every document in this case.

21 Q While reviewing those documents, did you actually go  
22 up to where the Boardwalk Bar was?

23 A I visited all the scenes in this case on more than--  
24 well, my recollection is I didn't go to the bar in South Miami,  
25 but I drove up to Sunny Isles Beach on a couple occasions. The

1 last one, the day before this trial, Mr. Haber and I drove  
2 throughout the Miami Beach sites that were referenced in the  
3 case.

4 Q Now the murder of Mrs. Montgomery took place at 78th  
5 and Hardin. Was that on the way from the Boardwalk to where  
6 this defendant lived in South Beach?

7 A Yes.

8 Q Did you review the reports and the inferences from  
9 your investigation with your client?

10 A Oh, yes. Many times.

11 Q Did you yourself hire an expert witness or any expert  
12 witnesses?

13 A A couple of them. With regards to Sean's  
14 persistence, memory loss, we finally as much on his insistance  
15 as our own, contacted Dr. Charles Mutter who is semi-retired but  
16 a long time psychiatrist and Dr. Mutter among his other  
17 specialties performed hypnotic regression.

18 THE COURT: You have to move into the second or third  
19 row. Thank you. Sorry.

20 A To attempt to recover loss memory, so we retained  
21 Dr. Mutter.

22 Q When you say we, who are we talking about?

23 A Well, myself on behalf of Mr. Casey.

24 Q Were you working with another lawyer in town on this  
25 case?

1           A       Michael Haber.

2           Q       And was there a fee agreement between you and  
3 Mr. Haber that was separate from the client and Mr. Haber?

4           A       No. Mr. Haber was retained. We're not partners.  
5 Mr. Haber was retained separate by Mr. Casey.

6           Q       Okay. And did you receive a retainer fee?

7           A       I did, yes.

8           Q       And do you know whether Mr. Haber was paid  
9 separately?

10          A       Yes.

11          Q       Who else did your team, for lack of a better term,  
12 you, Mr. Haber and the defendant, decided to hire as experts?

13          A       We hired a Mr. Buchanon, a former police officer who  
14 does accident reconstruction work both for your office and  
15 privately. We also hired Gary Moran (phonetic), whom I have  
16 always used in major cases for jury selection. Obviously he's  
17 not an expert in the sense of an expert witness, but he would  
18 assist in the jury selection process.

19          Q       Did you advise the defendant to see a therapist by  
20 the name of Michael Rappaport?

21          A       Yes.

22          Q       Why was that?

23          A       Mr. Casey was a very difficult client who was  
24 experiencing difficulty. He was very self-pittyng. He was in  
25 need of a tremendous amount of emotional and psychological

1 support from me, some of that as my function as a Defense  
2 counsel, but it's better provided by a professional whose line  
3 of work it is, so I encouraged him to see Dr. Rappaport because  
4 I was fearful that we couldn't get him through the entire  
5 litigation otherwise.

6 Q When you say difficult, what do you mean by that?

7 A Mr. Casey had wide mood swings in his discussion  
8 about the case. He was full of pitty and then demanded sympathy  
9 and support, why are they playing me in this fashion. He just  
10 was a very demanding client.

11 He was a difficult client, clearly very unhappy, and I  
12 felt that he needed professional psychological support from  
13 someone well versed in the criminal justice system if he was  
14 going to get through the process.

15 Q Is this the first time you advise a client to see a  
16 therapist?

17 A No.

18 Q Did you meet with Mr. Casey in person more than the  
19 first time that you saw him?

20 A On many occasions.

21 Q What do you mean by many?

22 A I didn't keep count. We communicated by phone. He  
23 faxed me often. He telephoned me often and he came in to see me  
24 with regularity. I never bothered to keep count.

25 Q Did you take depositions of the State witnesses in

1 this case?

2 A I did indeed.

3 Q Did you notify him that those depositions were going  
4 on or the result of those depositions?

5 A I try with all clients to provide the clients with  
6 copies of whatever is going on in his case, be it a pretrial  
7 motion, a court order or a deposition transcript. I would like  
8 to be able to tell you that I'm a hundred percent complete in  
9 every instance, but if I wasn't, I was pretty close.

10 Q Now, did there come a time when you and Mr. Haber  
11 decided a motion to suppress in this case would be appropriate?

12 A That was I believe before Mr. Haber became involved  
13 as co-counsel in the case, but whether it was or not, the answer  
14 to your question is yes.

15 Q And did you proceed with filing the motion to  
16 suppress?

17 A Actually, there was several motions to suppress and  
18 several supplemental memorandums to those.

19 Q Was the motion to suppress the glass?

20 A The issue was that according to Mr. Casey, and he was  
21 very consistant in his narrative of events to me, the police had  
22 very guilefully misled him. They misled him to believe from the  
23 outset that he was not the suspect in a homicide, but the victim  
24 of an auto theft, that they were searching for his car, that  
25 they needed information, cooperation from him.

1 And on that basis, he came down to Miami Beach Police  
2 Department. He made a statement. He signed some waivers in  
3 connection with searches and so on.

4 Q Now based on what he told you about that, did you  
5 file a motion pursuant to that legal issue?

6 A I certainly did.

7 Q Did you file a motion as to any other legal issues  
8 concerning the matters of glass and the statements?

9 A Well, with respect to the glass, that was much later.  
10 There was a Frye Motion.

11 Q I'm not talking about that yet, sir.

12 A Then the answer to your question is no.

13 Q Did you get a chance to listen to the taped statement  
14 made by the police of this defendant?

15 A We not only listened to it, but I had it personally  
16 transcribed by my secretary with my assistance in my office.

17 Q During this transcription of that statement and your  
18 reviewing of the spoken words of that statement, did it seem to  
19 you that in any way Mr. Casey had been coerced or threatened  
20 physically or with violence?

21 A That was clearly not the case.

22 Q Did Mr. Casey ever tell you that?

23 A Absolutely not. He was adamant it was the opposite.  
24 It was the very smoothness of the officers, they were very  
25 credible in their story that his car had been stolen and they

1 needed his cooperation that resulted in all of this evidence and  
2 that was the theory of our motion to suppress.

3 Q And did you subsequently have an evidentiary motion  
4 to suppress?

5 A We certainly did.

6 Q Was Mr. Casey present?

7 A Yes, he was.

8 Q And did you cross examine the two detectives that  
9 were part of this statement and finding the glass?

10 A Those two and I believe others as well.

11 Q Okay. And when you prepared your cross examination,  
12 did you prepare your cross examination with those issues in mind  
13 that you previously spoke about?

14 A Exactly.

15 Q And at any time did Mr. Casey ask you to question the  
16 officers about threats or coercion in any way?

17 A Never.

18 Q Did Mr. Casey appear to you to be a client that  
19 understood what was going on?

20 A Very much so. He's strikes me as a very intelligent  
21 person.

22 Q So was it the type of client where you would have to  
23 take special efforts to have a gainful conversation or was it  
24 more of a give and take where he understood what you were saying  
25 and you were able to understand?

1           A           He had a lot of understanding and very detailed  
2 questions.

3           Q           And did you use any of those questions in order to  
4 prepare your cross examination?

5           A           Frankly none of his suggestions really added anything  
6 to our store of knowledge or preparation, but I was happy to  
7 make sure he understood everything completely.

8           Q           Did any of those questions have anything to do with  
9 force, threats or physical violence?

10          A           Never. Not at any time.

11          Q           Now at the time of the motion to suppress, did you  
12 feel that the cross examination had gone your way?

13          A           Yes. It was a difficult cross examination. They  
14 were exceedingly experienced and skilled officers, but I thought  
15 that we had gotten everything we needed.

16          Q           And did you make then a strategic decision to not put  
17 Mr. Casey on the stand?

18          A           Yes.

19          Q           Why did you do that?

20          A           He had nothing to add. The facts were scarcely in  
21 dispute. The police reports, the officers' testimony, his  
22 recorded statement and our private conversations all pointed in  
23 the identical direction.

24                    There was almost no factual dispute. It was really a  
25 question of what legal significance attached to the

1 uncontroverted conduct in which the officers had engaged.

2 Q After making that analysis at the end of the motion,  
3 did you make a decision to rest your case on the evidence that  
4 had been presented and the cross examination?

5 A That's correct.

6 Q And did you discuss that with Mr. Casey?

7 A Briefly.

8 Q And did he object to that?

9 A Not at all, no.

10 Q And how successful or not successful were you that  
11 day?

12 A We were delighted. Judge Trawick granted our motion  
13 in full, as I recall, and expressed on the record his belief  
14 that the principal officers had been, as he put it, less than  
15 candid with the Court, and he said he would not abide that.

16 I asked if I can submit a written order reflecting his  
17 findings and he gave me leave to do so. I prepared an order,  
18 showed it to the Assistant State attorney then assigned to the  
19 case, and submitted it to Judge Trawick and he signed it.

20 Q So in effect, the case was over?

21 A In effect.

22 Q And the State couldn't proceed without a reversal of  
23 that motion to suppress?

24 A They could not, no.

25 Q During that time, how did Mr. Casey feel about your

1 performance?

2           A        Launched. He was on cloud nine. Both his parents  
3 came into my office, his mother and father. It was one of only  
4 two occasions when I met his father. I spoke to his mother many  
5 times, but he came in, his parents came in. We were elated.

6           Q        During this time period of your representation, had  
7 Mr. Casey sought the permission of the Court to travel outside  
8 the United States?

9           A        Repeatedly.

10          Q        And did you file for the first time early on in the  
11 case, very early on within the first few months, a motion for  
12 him to travel?

13          A        A series of such motions.

14          Q        How was the motion to travel? How was that accepted  
15 by the prosecution?

16          A        Initially very very very vigorous opposition and that  
17 remained the case, although, trip after trip after trip. You  
18 could set your watch with Sean Casey. He went exactly when he  
19 said he was going, where he said he was going, and came back  
20 exactly when he said he would come back.

21                    So the energy of the State's opposition began to add  
22 and the opposition became more for the record than vehement.

23          Q        Now when you say you can set your watch each time he  
24 would come before the Court and ask permission?

25          A        Yes.