

Sean D. Casey

Inter American Press Association
1801 S.W. 3rd Avenue, 8th Floor
Miami, Florida 33129
Cell: 305-788-1798
Tel: 305-634-2465 (Office)
Fax: 305-635-2272 (Office)
E-mail: scasey@sipiapa.org

Fax

To: Mr. Milton Hirsch	From: Sean Casey
Fax: 305-670-7003	Pages: 14
Phone: 305-670-0077	Date: 11/21/03
Re: Meeting 11/20/03	CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

Dear Mr. Hirsch:

I appreciate your candor with me yesterday in your office. I want to make it absolutely clear that my intention is to proceed forward. I have no intention of fleeing the jurisdiction. I have worked too hard to just throw my life away and start a new one. I could not do this to myself or my family. I have faith that we will get an acquittal in this case. I see plenty of reasonable doubt that a jury could cling on to. Also, I have invested a lot of money in my defense and with only a short few months to trial, I think it would be wise for me to wait to get my day in court and wait for a verdict. Plus, ultimately the judge can determine the sentence if I am convicted. Attached are some examples of reduced sentences for similar crimes (many of whom had prior convictions).

I am glad that you now know my intentions and desire to leave the United States and live abroad. I would appreciate that you keep this in mind when and if there is a point a plea is offered. I think the prosecutor would like this idea, since if they are concerned about a repeat offense (assuming I am guilty of this one), I wouldn't even be in the country.

I am however discouraged by your pessimism. Michael Haber once told me that when an attorney of your stature gives me advice, I should follow it without hesitation. This is one piece

November 21, 2003

of advice, however, I do not believe I should act on. I am in this for the long haul and can only hope and pray you and Michael will continue to work to the best of your ability in my defense.

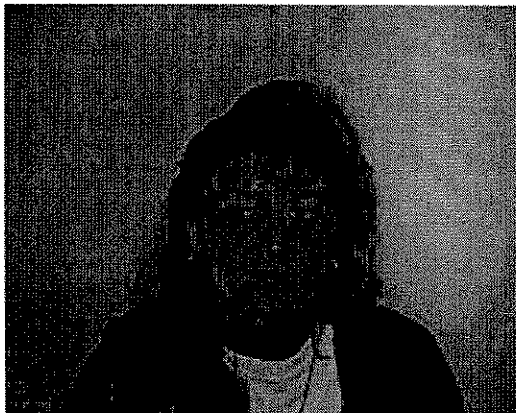
I will get through this, but I need an attorney that believes in me and my defense. I have attached some articles I found on the Internet that you may find interesting. Please read the article by Barry T. Winston, "Why I Defend Guilty Clients". Perhaps this will encourage you to fight on in my case. Please don't give up hope!

Sincerely yours,

Sean Casey

P.S. I will try to put all the paperwork together to show my indigency over the weekend, but if I do not finish, this will have to wait until I return from Washington on the week of December 1. Let's hope this works.

REGISTERED FELON



JULIE ELLEN FERULLO

DOB: 11/02/1969

Race: White; **Sex:** Female; **Height:** 5'02"; **Weight:** 118 pounds.

Hair: Brown; **Eyes:** Brown

Also Known As:

Last Reported Address: 229 San Gabriel Street, Winter Springs, FL 32708

FL DOC #:

Registration Number: RF0963

Date Registered: 19 Feb 99

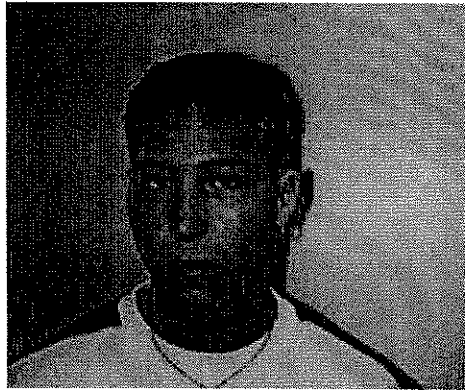
* [Subject was sentenced to six months and 18 weekends in the Pasco County, Florida jail for DUI manslaughter on 17 Feb 89 in Pasco County, Florida.

Subjects prior arrests include resisting officer - obstruction by disguise, probation violation (multiple).

Subject is an unemployed student.

The photograph is from February 1999 registration and can be downloaded from this website.

REGISTERED FELON



STEVEN NEIL GRODEN

DOB: 05/05/1979

Race: White; **Sex:** Male; **Height:** 5'07"; **Weight:** 155 pounds.

Hair: Blonde; **Eyes:** Hazel

Also Known As:

Last Known Address: Davenport Court, Winter Springs, FL 32708

FL DOC #:

Registration Num/ber: RF0845

Date Registered: 23 Dec 98

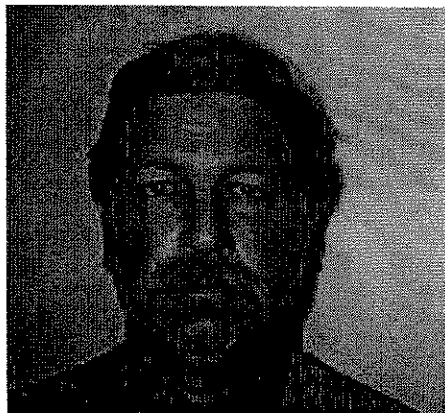
* [Subject was sentenced to 364 days in the county jail followed by 15 years probation for DUI manslaughter in Seminole County, Florida in January 1997.

Prior arrests include fleeing/eluding police and driving while license suspended or revoked.

Subject is unemployed.

The photograph is from December 1998 registration and can be downloaded from this website.

REGISTERED FELON



CLARENCE ANTHONY FLOWERS

DOB: 08/05/1956

Race: White; **Sex:** Male; **Height:** 6'00"; **Weight:** 190 pounds.

Hair: Brown; **Eyes:** Blue

Also Known As:

Last Reported Address: 334 Miller Road, Sanford, FL 32773

DOC #:

Registration Number: RF 1466

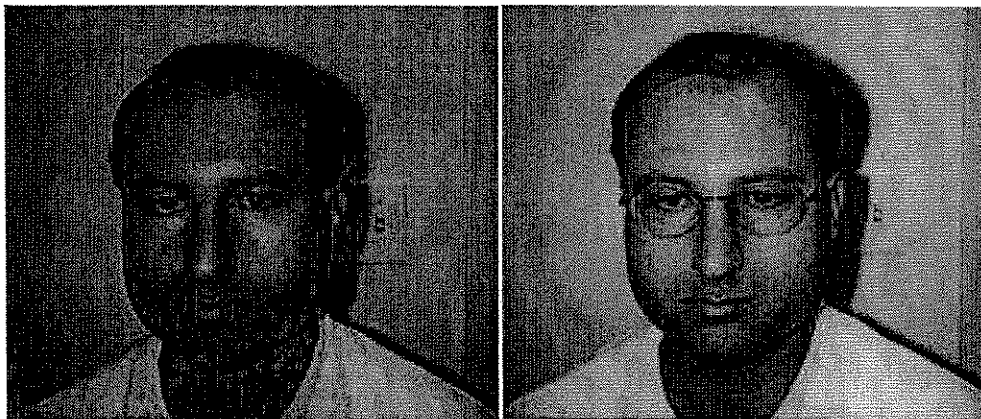
Date Registered: 11 Aug 99

* [Subject was sentenced to 2 years house arrest followed by 8 years probation for DUI manslaughter and possession of marijuana in July 1991 in Seminole County, Florida

Subject is a service technician

Photograph is from August 1999 registration and can be downloaded from this website.

REGISTERED FELON



TIMOTHY CLIFFORD WILSON

DOB: 11/09/1966

Race: White; **Sex:** Male; **Height:** 6'00"; **Weight:** 230 pounds.

Hair: Brown; **Eyes:** Blue /Gray

Also Known As:

Last Reported Address: 3678 Derbyshire Rd #104, Casselberry, FL 32707 (updated 7.10.00)

Previously Reported Address: 1104 Pointe Newport Terrace #102, Casselberry, FL 32707

FL DOC #:

Registration Number: RF 1048

Date Registered: 8 Apr 99

*

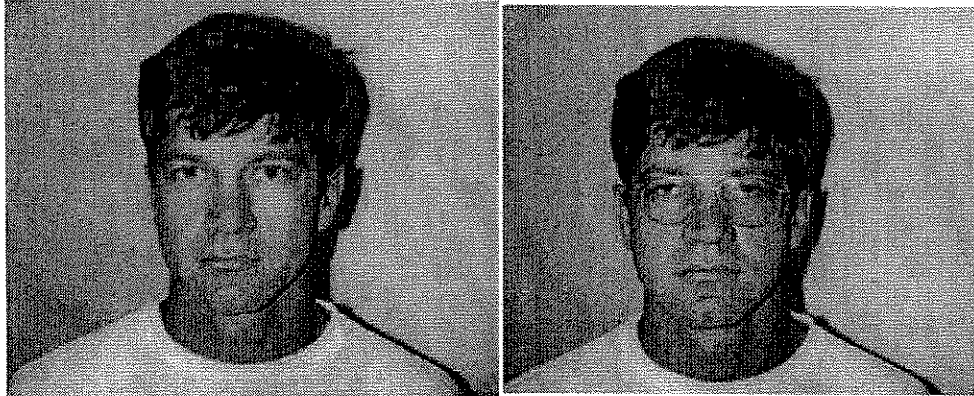
Subject was sentenced to one year in the Orange County, Florida jail, two years community control, followed by seven years probation for DUI manslaughter 1 Mar 96 in Orange County, Florida.

Prior arrests include negligent homicide manslaughter - vehicle - DUI, serious bodily injury.

Subject is employed as a paralegal in Orlando, Florida...

Photograph is from April 1999 registration and can be downloaded from this website.

REGISTERED FELON



ROBERT LOREN HERZOG

DOB:08/24/68

Race: White Sex: Male; Height: 6' 01"; Weight: 170 pounds.

Hair: Sandy Blonde Eyes: Hazel

Also Known As:

Last Reported Address: 111 Mound Street , Longwood, FL 32750

DOC#:

Registration Number: RF 1708

Date Registered: 24 Sep 99

* Subject was sentenced to 90 days in the Volusia County jail , 2 years community control, followed by 8 years probation for DUI manslaughter in September 1991 in Volusia County, Florida

Occupation self employed information tech consultant

Photograph is from September 1999 registration and can be downloaded from this website.

Hello, friends. Here is some shit I threw together out of a need to vent some stress and academic frustration. Bear with me . . .

I've been spending most of my time lately agonizing over a seriously brutal criminal law paper that is due in about three weeks. Let's just say it's a take-home exam that is very very long, very very complicated, and will determine my entire grade for the semester. Coming from a steep philosophical and humanistic background, I've been having a great deal of trouble, conceptually, with many of the undergirding principles of the criminal law. I understand that the purpose of organizing ourselves into a civil society is for the mutual protection of our individual interests, safety, growth, and general benefit, that we presumably wouldn't otherwise enjoy in a state of nature, a la the political philosophies of Plato, Aristotle, Aquinas, Locke, Kant, Hobbes, Bentham, and numerous others. Even so, criminal jurisprudence is hopelessly founded upon the right of those employed under and backed by the powerful machinery of the state to judge another person's character and culpability. (And yes, I understand that the 6th Amendment entitles a defendant to a trial by jury, but juries are only finders of fact, and determiners of witness credibility. Juries are only allowed to make findings based on the jury instructions that are provided by the judge. Many cases, and consequently, many defendants' guilt or innocence, ride on which instruction the judge decides to give the jury. If the jury finds the defendant guilty, the judge then determines a sentence, and this is where the character assessment comes in. The judge decides, based on her opinion of the individual, whether she will, on one hand, throw the fucking book at him, or on the other, show some leniency.)

What justifies throwing someone in jail? Or even executing someone? Revenge? Deterrence? Incapacitation? Rehabilitation? Revenge is hopelessly primitive, counterproductive, and oblivious to the fact that it is the victim who must ultimately find a way to make sense of her suffering. Executing the murderer will not bring back the murdered. Making a twelve-year old Florida boy spend the rest of his life in prison without the possibility of parole for the tragic, fatal consequences that resulted from practicing WWF moves on his sister will not do a fucking ounce of good for anyone, much less the twelve year old boy, and far less his dead little sister. How much stupid shit did you do when you were twelve years old? Fifteen? Eighteen? How do we, as a society, judge an individual to be such a menace? Who has the right? WERE ALL VICTIMS, in some sense. Revenge is nothing but a hollow lashing out at something we don't understand. Deterrence, on the other hand, simply doesn't work. Whenever I hear someone spew bullshit about how we need to get tough on crime I just want to grind my teeth down to the fucking roots. WE COULD BRING BACK THE CODE OF HAMMURABI AND IT WOULDN'T CHANGE A FUCKING THING. We could make every offense, no matter how trivial, a capital crime, and little, if anything, would change. In the eighteenth century, England prided itself on its "get tough on crime

approach," only to find its gallows and death carts fat and gorged with the corpses of petty thieves and shoplifters. In regard to the supposed deterrent value of the death penalty in modern times, one only need observe the swollen ranks of death row in the bloated prison system of "Dubya's" Texas to see what a sick joke the very idea of deterrence remains today. Rehabilitation is every bit as vacuous and empty of a justification. How does rotting away in a hostile and dehumanizing prison environment offer any prospects of reforming a person's behavior? Even more so, how can we justify placing someone in such a hostile and violent atmosphere who has committed a non-violent crime, such as dope-dealing or embezzlement? Furthermore, if we were to assume that there really were rehabilitating effects produced by our system of punishment, such a thing would be at odds with the concept of retribution! If we want to exact revenge on someone, do they deserve our help in rehabilitating them? People just scream and bitch when anyone suggests that we should offer things like education, therapy, or job training to people in prison, because they feel so strongly that it is something that prisoners, by definition, do not "deserve," especially when it comes out of their tax money. What the hell do we want then? Do we want to rehabilitate these people or not? Do we want to turn them back into productive individuals with a sense of hope once they get let back out into society or not? I get so tired of bearing witness to our society's hopelessly fucking schizophrenic attitude toward criminal justice, that I sometimes wish we WERE back in some Rousseauian state of nature. It's pretty obvious that INCAPACITATION is the ONLY true and honest justification for imprisoning people. We FEAR other people and what they might do to us. That, again, is one of the main reasons why we agree to be bound within a civil society, so that we can put those whose behavior we find frightening and threatening to our collective and individual interests in a cage (if not eradicate them altogether), whereby we can feel secure knowing that they are, at least for the time being, "off the streets." The beauty and simplicity of incapacitation is that it truly and undeniably accomplishes what it purports to accomplish, namely separating the transgressor from the rest of society. However, it gives no consideration to the fact that the prisoner will likely be let out someday, and will be once again running amok amongst the rest of society. That's why there needs to be some REAL effort at rehabilitation, but until we, as a society, let go of this primitive and schizophrenic policy of retribution, and start focusing our efforts instead on love and human dignity, we will continue to find ourselves mired in the tar pits of a dysfunctional and counterproductive criminal jurisprudence . . .

Oh, and by the way, here is the real reason I decided to start this rant in the first place: I'm ALSO sick to fucking death and brought to the nauseous verge of regurgitating my dinner whenever someone says some stupid ass shit like, "criminals have all kinds of rights and we have none," or (in addressing defense counsel in a murder case), "how can you defend a person like that?" or that a criminal defense lawyer's job is "to make sure criminals stay on the street," or last but not least, the fucking dumbest question in the world: "why can't we do something to make criminals confess?" For the ignorant out there,

let me tell you why all of these statements are absolutely frightening. First of all, criminals have very few rights, because a criminal is someone who has been CONVICTED of a crime, which requires that they be PROVEN GUILTY BEYOND A REASONABLE DOUBT. They're only rights are to a few hours of rec time in the yard a week, three meals a day, a soap on a rope, and all kinds of quality time for self-reflection in a cell for most of every day. A DEFENDANT, ON THE OTHER HAND, is INNOCENT UNTIL PROVEN GUILTY. Wait, I don't think you heard me: INNOCENT UNTIL PROVEN GUILTY!! A person ACCUSED of a crime has the SAME RIGHTS THAT ANY OF US WOULD DEMAND IF ACCUSED OF A CRIME: the right to due process, the right to a trial by a jury of your peers, if accused of murder, the right to a grand jury to determine whether you should be indicted, the right to not be forced to bear witness against yourself, the right to representation, and a the right to have that representation defend you vigorously and be independent of government influence and control. This is one of the beauties of our adversarial system.

So, once in a while, a few bad apples get let go on a technicality. Those "technicalities" are there to protect our individual rights, and defense lawyers are there to make sure that prosecutors are doing their fucking jobs right. Any system of criminal justice that is controlled by a state as powerful and resourceful as ours carries with it a huge potential for abuse. The rules that protect our individual rights are absolute, and they cannot be broken ad hoc just because a certain defendant "looks" guilty as sin. Letting a few "bad" people go on a technicality once in a while is a meager and insignificant price to pay (I know, tell THAT to the victims, but I say blame the prosecutor for fucking it up) when one considers the alternatives: Stalin's show trials, China's cultural revolution (which one can argue is STILL going on to some degree today), the Salem witch trials, the Inquisition, etc., etc.

Here's a story that explains just why we defend "guilty" clients. It's a bit long, but it's definitely worth the time to read it:



Why I Defend Guilty Clients

Barry T. Winston

Let me tell you a story. A true story. The court records are all there if anyone wants to check. It's three years ago. I'm sittin in my office, staring out the window, when I get a call from a lawyer I hardly know. Tax lawyer. Some kid is in trouble and would I be interested in helping him out? He's charged with manslaughter, a felony, and driving under the influence. I tell him sure, have the kid call me.

So the kid calls and makes an appointment to see me. He's a nice kid, fresh out of college, and he's come down here to spend some time with his older sister, who's in med school. On day she tells him they're invited to a cookout with some friends of hers. She's going directly from class and he's going to take her car and meet her there. It's way out in the country, but he gets there before she does, introduces himself around, and pops a beer. She shows up after a while and he pops another beer. Then he eats a hamburger and drinks a third beer. At some point his sister says, "Well, it's about time to go," and they head for the car.

And the kid tells me, sitting there in my office, the next thing he remembers, he's waking up in a hospital room, hurting like hell, bandages and casts all over him, and somebody is telling him he's charged with manslaughter and DUI because he wrecked his sister's car, killed her in the process, and blew fourteen on the Breathalyzer. I ask him what the hell he means by "the next thing he remembers," and he looks me straight in the eye and says he can't remember anything from the time they leave the cookout until he wakes up in the hospital. He tells me the doctors say he has postretrograde amnesia. I say of course I believe him, but I'm worried about finding a judge who'll believe him.

I agree to represent him and send somebody for a copy of the wreck report. It says there are four witnesses: a couple in a car going the other way who passed the kid and his sister just before their car ran off the road, the guy whose front yard they landed in, and the trooper who investigated. I call the guy whose yard they ended up in. He isn't home. I leave word. Then I call the couple. The wife agrees to come in the next day with her husband. While I'm talking to her, the first guy calls. I call him back, introduce myself, tell him I'm representing the kid and need to talk to him about the accident. He hems and haws and I figure he's one of those people who think it's against the law to talk to defense lawyers. I say the D.A. will tell him it's O.K. to talk to me, but he doesn't have to. I give him the name and number of the D.A. and he says he'll call me back.

Then I go out and hunt up the trooper. He tells me the whole story. The kid and his sister are coming into town on Smith Level Road, after it turns from fifty-five to forty-five. The Thornes--the couple--are heading out of town. They say this sports car passes them, going the other way, right after that bad turn just south of the new subdivision. They say it's going like a striped-ass ape, at least sixty five or seventy. Mrs. Thorne turns around to look and Mr. Thorne watches in the rearview mirror. They both see the same thing: halfway into the curve, the car runs off the road on the right, whips back onto the road, spins, runs off on the left, and disappears. They turn around in the first driveway they come to and start back, both terrified of what they're going to find. By this time Trooper Johnson says, the guy whose front yard the car has ended up in has pulled the kid and his sister out of the wreck and started

CPR on the girl. Turns out he's an emergency medical technician. Holloway, that's his name. Johnson tells me that Holloway says he's sitting in this front room, watching television, when he hears a hell of a crash in his yard. He runs outside and finds the car flipped over, and so he pulls the kid out from the driver's side, the girl from the other side. She dies in his arms.

And that, says Trooper Johnson, is that. The kid's blood/alcohol content was fourteen, he was going way too fast, and the girl is dead. He had to charge him. It's a shame, he seems a nice kid, it was his own sister and all, but what the hell can he do, right?

The next day the Thornes come in, and they confirm everything Johnson said. By now things are looking not so hot for my client, and I'm thinking it's about time to have a little chat with the D.A. But Holloway still hasn't called me back, so I call him. Not home. Leave word. No call. I wait a couple of days and call again. Finally I get him on the phone. He's very agitated, and won't talk to me except to say that he doesn't have to talk to me.

I know I better look for a deal, so I go to the D.A. He's very sympathetic. But. There's only so far you can get on sympathy. A young woman is dead, promising career cut short, all because somebody has too much to drink and drives. The kid has to pay. Not, the D.A. says, with jail time. But he's got to plead guilty to two misdemeanors: death by vehicle and driving under the influence. That means probation, a big fine. Several thousand dollars. Still, it's hard for me to criticize the D.A. After all, he's probably going to have the MADD mothers all over him because of reducing the felony to a misdemeanor.

On the day of the trial, I get to court a few minutes early. There are the Thornes and Trooper Johnson, and someone I assume is Holloway. Sure enough, when this guy sees me, he comes over and introduces himself and starts right in: "I just want you to know how serious all this drinking and driving really is," he says. "If those young people hadn't been drinking and driving than night, that poor young girl would be alive today." Now, I'm trying to hold my temper when I spot the D.A. I bolt across the room, grab him by the arm, and say, "We gotta talk. Why the hell have you got all these people here? That jerk Holloway. Surely to God you're not going to call him as a witness. This is a guilty plea! My client's parents are sitting out there. You don't need to put them through a dog-and-pony show."

The D.A. looks at me and says, "Man, I'm sorry, but in a case like this, I gotta put on witnesses. Weird Wally is on the bench. If I try to go without witnesses, he might throw me out."

The D.A. calls his first witness. Trooper Johnson identifies himself, tells about being called to the scene of the accident, and describes what he found when he got there and what everybody told him. After he finishes, the judge

looks at me. "No questions," I say. Then the D.A. calls Holloway. He describes the noise, running out of the house, the upside down car in his yard, pulling my client out of the window on the left side of the car and then going around to the other side for the girl. When he gets to this part, he really hits his stride. He describes, in minute detail, the injuries he saw and what he did to try and save her life. And then he tells, breath by breath, how she died in his arms.

The D.A. says, "No further questions, your Honor." The judge looks at me. I shake my head, and he says to Holloway, "You may step down."

One of those awful silences hangs there, and nothing happens for a minute. Holloway doesn't move. Then he looks at me, and at the D.A., and then at the judge. He says, "Can I say something else, your Honor?"

All my bells are ringing at once, and my gut is screaming at me, Object! Object! I'm trying to decide in three-quarters of a second whether it'll be worse to listen to a lecture on the evils of drink from this jerk Holloway or piss off the judge by objecting. But all I say is, "No objections, your Honor." The judge smiles at me, then at Holloway, and then says, "Very well, Mr. Holloway. What did you wish to say?"

It all comes out in a rush. "Well, you see, your Honor," Holloway says, "it was just like I told Trooper Johnson. It all happened so fast. I heard the noise, and I came running out, and it was night, and I was excited, and the next morning, when I had a chance to think about it, I figured out what had happened, but by then I'd already told Trooper Johnson and I didn't know what to do, but you see, the car, it was upside down, and I did pull that boy out of the left-hand window, but don't you see, the car was upside down, and if you turned it over on its wheels like it's supposed to be, the left-hand side is really on the right hand side, and your Honor, that boy wasn't driving the car at all. It was the girl that was driving, and when I had a chance to think about it the next morning, I realized that I'd told Trooper Johnson wrong, and I was scared and I didn't know what to do, and that's why"--and now he's looking right at me--"why I wouldn't talk to you."

Naturally, the defendant is allowed to withdraw his guilty plea. The charges are dismissed and the kid and his parents and I go into one of the back rooms in the courthouse and sit there looking at one another for a while. Finally we recover enough to mumble some Oh my Gods and Thank yous and You're welcomes. AND THAT'S WHY I CAN STAND TO REPRESENT SOMEBODY WHEN I KNOW HE'S GUILTY.



The Abyss

- "Why I Defend Guilty Clients" by Barry T. Winston is Copyright 1986, *Harper's Magazine*.
- Background image is the cover illustration for Metallica's ... *And Justice For All*, by Stephen Gorman. Copyright 1988, Creeping Death Music.
- Everything else is done by yours truly, Copyright 2001, Travis Denneson

TRANSMISSION VERIFICATION REPORT

TIME : 11/16/2003 23:36
NAME : INTER AMERICAN PRESS
FAX : 3056352272
TEL : 3056342465

DATE, TIME	11/16 23:31
FAX NO./NAME	3056707003
DURATION	00:04:59
PAGE(S)	14
RESULT	OK
MODE	STANDARD ECM