

Argument

Sean Casey has no prior criminal history and no prior experience or knowledge of the criminal justice system. Also, Mr. Casey has no prior traffic violations for Driving Under the Influence (DUI). In fact, Mr. Casey has a commendable driving record according to the Florida Department of Highway Safety and Motor Vehicles.⁷⁸ Sean is a good citizen with the background, professional experience, and moral ethics that make him an asset to society.

Mr. Casey is now in his 30s. He is the only child of John and Genevieve Casey. He attended Boston College High School in Massachusetts. While in high school, Sean worked weekends and evenings at McDonald's restaurant and became the youngest "shift manager" in the corporation's history. He was always a very responsible and disciplined individual excelling in both his studies and work.

Sean graduated Cum Laude Honors from Georgetown University in Washington, D.C., with a Bachelor of Science in Foreign Service and Master of Arts in Latin American Studies.⁷⁹ Sean participated in competitive internship programs at the Organization of American States (OAS), in Washington, D.C.; U.S. Department of State's National Foreign Affairs Training Center in Arlington, Virginia; and U.S. Consulate-General, in São Paulo, Brazil. He was active in community service and volunteered at local schools for the mentally challenged. He also was recognized with awards and scholarships from organizations, such as the American Legion, Elks Club, and Knights of Columbus. Sean spent a semester abroad in Guadalajara, Mexico; the

⁷⁸ Transcript of Driving Record, Florida Dept. of Highway Safety and Motor Vehicles, Apr. 30, 2007, **Exhibit 33**

⁷⁹ Georgetown University Academic Transcripts, **Exhibit 34**

first student ever to participate in an exchange program from his high school, and his third year of college studying in Santiago, Chile. He became determined to pursue a career promoting democracy and human rights in Latin America. He is fluent in Spanish and Portuguese.

In 1997, Mr. Casey was hired as Project Administrator of the Inter American Press Association (IAPA), a non-profit organization based in Miami representing more than 1,400 newspapers and magazines throughout the Western Hemisphere in the defense of freedom of the press and of expression. Despite his young age of 24 when he started, Sean quickly took on a leading role in the organization's largest project raising awareness about free speech in the Americas, personally meeting with the presidents of many countries in the region, including: Antigua & Barbuda, Belize, Bolivia, Costa Rica, Dominica, Dominican Republic, Ecuador, Grenada, Guatemala, Guyana, Haiti, Paraguay, Peru, St. Kitts & Nevis, St. Vincent & The Grenadines, Suriname, and Trinidad & Tobago.⁸⁰

Sean also became one of the IAPA's main meeting planners organizing international conferences, including the "Hemisphere Summit on Justice and Press Freedom," in Washington, D.C., in June 2002, which was broadcast on C-SPAN as part of its "America and the Courts" program. Mr. Casey assured the participation of every Supreme Court Chief Justice in the Americas, including the late U.S. Chief Justice William H. Rehnquist, with whom he planned a reception in the Supreme Court Building. He organized a similar conference with the Presidents of the National Congresses of the Americas in Washington, D.C., in May 2004, which included a luncheon at the U.S.

⁸⁰ Judge Daryl Trawick granted 16 motions for Mr. Casey to travel outside the country between 2001-2004. [Hr'g. Tr. 35:12-13, Jan. 8, 2007, **Exhibit 14**]

Capitol that he planned with Congresswoman Ileana Ros-Lehtinen (R-FL). Sean was also instrumental in planning the inauguration of the IAPA's new headquarters in downtown Miami, in July 2000, which was attended by City Mayor Joe Carollo, County Mayor Alex Pinelas, County Commissioner Bruno A. Barreiro, Rev. Thomas Wenski, and other notable figures in the community. Overall, Sean Casey was a valuable asset to the IAPA and democracy, human rights, and a free press in the hemisphere.⁸¹ His boss, Julio E. Muñoz, IAPA Executive Director, had nothing but praise for Sean's work.⁸²

The State Attorney's Office, represented in this case by Assistant State Attorney Gail Levine, who was only assigned to this case for the last month and a half before the trial date, claims that Mr. Casey has not been honest, has shown no remorse, and has avoided responsibility in this unfortunate vehicular accident.⁸³ This cannot be any farther from the truth. These are very slanderous statements from someone who does not know Sean Casey, conducted no depositions in this case personally, and probably would have said anything to get a conviction in this case at the expense of fairness and the truth. It should be noted that The Florida Bar has received three formal complaints

⁸¹ See "Portfolio of IAPA Achievements: 1997-2004"

⁸² Q: "—Was a good worker?"

A: "He's excellent. He is the top of the top."

Q: "Smart guy?"

A: "Yes. Very smart guy. Very responsible guy, very professional guy..."

[Muñoz Dep. 18:14-16, 21-22, Sept. 30, 2003, **Exhibit 11**]

Q: "...you would rather him be at work, is that correct...working for you and your company?"

A: "Yes, I agree."

[Muñoz Dep. 20:14-17, Sept. 30, 2003, **Exhibit 11**]

⁸³ Levine: "That's what Mr. Casey is. He's a liar...He's got to take responsibility and the responsibility starts now..."

[Hr'g. 169:7, 172:9-11, Jan. 8, 2007, **Exhibit 14**]

against Ms. Levine in only the past few years for professional misconduct, reckless disregard of the truth, making false statements, and employing unethical and illegal tactics to prejudice defendants.⁸⁴ She continued to violate each and every one of these offenses in her brief handling of Mr. Casey's case.

On October 17, 2006, when Ms. Levine was trying to get Judge Glick to allow the fact Mr. Casey fled to Chile enter as an admission of guilt to be used at trial, she exhibited blatant disregard of the truth. First, Ms. Levine argued Sean fled "just days before trial." The truth is Mr. Casey left the country for the last time in May 2004 and according to the court "docket sheet," the trial was still months away. She later admitted this at the hearing to vacate the plea in January 2007.⁸⁵ Second, Ms. Levine told the judge in a written motion that Sean was apprehended by police in Santiago, Chile "while boarding a plane to Buenos Aires, Argentina." She must have wanted to make it sound like Mr. Casey was trying to avoid authorities, but the truth is he was detained by Chilean detectives in his residence in Santiago. Mr. Casey knew that for his appeal of the deportation order to be heard by the Courts, he had to be in custody. He was held at an immigration detention facility until the outcome of the ruling after which he was escorted to the airport and on a flight to Miami! What gives the State Attorney's Office the ability to lie in such a prejudicial and blatant way refuted by fact? Even worse, Mr. Casey's own attorney, Milton Hirsch, never objected or sought to correct her lies not even for the record. He knew that Sean was in custody in Chile. He

⁸⁴ The Florida Bar Case Nos.: 2007-70, 646 (11N), Jan. 16, 2007; 2007-70, 004 (11E), Jul. 12, 2006; 2006-71, 192 (11N), May 25, 2006.

⁸⁵ Casey: "...Because even you have stated that the trial was on June 9th [and that] I had fled a week before trial."
Levine: "Right. The trial was scheduled September 21, 2004, according to the court docket..."
Casey: "That was not a week before I had left."
[Hr'g. Tr. 43:10-15, 18, Jan. 8, 2007, **Exhibit 14**]

knew even before Sean's family was advised, and he knew exactly the date and time he was returning.⁸⁶ He did not want to object. He wanted Sean to sign the plea to protect his reputation and career.

After the plea was signed, Judge Glick asked the State to recount the facts they would attempt to prove had this case gone to trial. There were many false statements and important unknowns that in no way proves their case, but discredits their case.

The prosecution began by stating, "...the defendant was speeding down Harding Avenue...He was weaving in and out of traffic at 79th and Harding."⁸⁷ However, the police's own traffic accident investigator's calculations only show the vehicle traveling anywhere from 1 to 11 MPH over the posted speed limit of 40 MPH.⁸⁸ This is hardly "speeding" in a straight stretch of a three-lane roadway. Witnesses say Mr. Casey's vehicle was behind a Metro bus in the right lane and moved into the middle lane to pass the bus when the accident occurred.⁸⁹ This one-lane maneuver can hardly be considered "weaving in and out of traffic." Although "speeding" and "weaving in and out

⁸⁶ Genevieve Casey: "I didn't find out until a week later [that] Sean was detained in Chile and then I called Milton Hirsch and he said, oh, I already know he was detained. And he said, yeah, I was helping his attorneys in Chile."
[Hr'g. Tr. 82:11-14, Jan. 8, 2007, **Exhibit 14**]

⁸⁷ Hr'g. Tr. 15:23-25, 16:1, Oct. 17, 2006, **Exhibit 35B**

⁸⁸ A: "...using the traffic—your numbers, the best they can do, 11 miles per hour over the speed limit. If I go out there and run radar, I am pretty positive that the majority of people that are driving there are doing 40..."
[Buchanan Dep. 31:22-25, Nov. 18, 2003, **Exhibit 36**]

Q: "So the defendant still would have been speeding, according to you?"

A: "Not according to me; according to Officer—the [driver] could have been traveling as low as 41 in that area."

[Buchanan Dep. 32:18-22, Nov. 18, 2003, **Exhibit 36**]

⁸⁹ Montgomery: "Um, it started at the right lane and went to the left lane."
[Interview of John David Montgomery by Sean Casey's auto insurance adjuster at GEICO Direct, Ramona Maldonado, p. 4:23, Jul. 3, 2001, **Exhibit 37**]

of traffic” are catch phrases used by sensationalist press and police public relations officers, they cannot be supported by the facts and circumstances of this accident.

Then, the prosecution claimed, “He hit [Mary] Montgomery...who was crossing the street after disembarking from a bus and attempting to go home,” therefore crossing from west to east.⁹⁰ However, all the evidence, even the police’s own sketch of the accident scene shows she was walking from east to west.⁹¹ Presumably, Ms. Montgomery was walking back from Publix supermarket at 6876 Collins Avenue, to the east of Harding Avenue, to her apartment located at 7900 Tatum Waterway Dr. to the west of Harding Avenue, although nobody really knows.⁹² She lived alone and nobody seems to have known her or where she was that morning.

The prosecutor continued her extremely vague account of events by stating, “...he parked his car and went home after that, we believe, by some other transportation.”⁹³ Yet, how Mr. Casey got home is *critical* to knowing if somebody else was with him at the time of the accident, if he was in the accident, and if that other person could have been the driver. There were no taxi records showing a passenger being picked up in the vicinity of Park View Island where the vehicle was found. If he had taken a Metro bus, he would have had to have practically walked back to the accident scene at Harding Avenue where all buses run southbound, then he would have had to have waited for the next “S” bus at 10:30 a.m. that would have arrived at 5th Street and Alton Road at 11:02 a.m. and then he would have had to walk 6 more blocks

⁹⁰ Hr’g. Tr. 16:1-3, Oct. 17, 2006, **Exhibit 35B**

⁹¹ Police diagram of accident scene, **Exhibit 38**

⁹² Map: 7900 Tatum Waterway Drive, Source: MapQuest, **Exhibit 39**

⁹³ Hr’g. Tr 16:6-7, Oct. 17, 2006, **Exhibit 35B**

to his apartment.⁹⁴ This would have taken too long, since the ATM withdrawal was allegedly made at 10:39 a.m. at the Bank of America located at 1414 Alton Road, four blocks from Mr. Casey's apartment.⁹⁵ It also would have virtually been impossible for Mr. Casey to have walked the 6-7 mile route, which the police agree would not have been feasible.⁹⁶ The **only** possible conclusion is that someone else assisted Sean Casey home, if he was in the accident.

The prosecutor stated "...pieces of that glass were found at the defendant's apartment, on the defendant's clothes which the defendant admitted to wearing that morning..."⁹⁷ Mr. Casey never saw the clothes the police actually confiscated.

The bottom line is that the State Attorney's Office has no idea how the accident happened or who the driver was. Their blatant disregard of the truth and complete misinformation should discredit their vague story of events altogether. The evidence seems to vindicate Mr. Casey's involvement in the accident. A very plausible scenario is that Sean left the bar around 6:00 a.m., which is the time confirmed by staff working that morning. He could have given his car keys to someone else to drive his

⁹⁴ Metro "S" Bus Schedule, Southbound, **Exhibit 40**

⁹⁵ Map: 1414 Alton Road, Source: MapQuest, **Exhibit 41**

⁹⁶ Defense: "How far is [Alton Road Bank of America] from the scene of this terrible accident?"
Silvagni: "Quite a ways, several miles."
Defense: "Six, seven miles?"
Silvagni: "Correct."
Defense: "This is the part I don't get. Have we agreed that the accident took place about 10:15 in the morning [and] that withdrawal took place 25 minutes after that, yes?"
Silvagni: "Yes...while your client was supposed to be sleeping, yes."
Defense: "Let's see. How fast can you run, Officer? ...There are six or seven miles. In 25 minutes?"
Silvagni: "Definitely not."
Defense: "Neither can I."
Prosecutor: "Judge, is this like a whodunit?"
Defense: "It wasn't but it is now...I'm just trying to figure out how someone could get there."
[Hr'g. Tr. 119:6-10, 15-24, 120:9-15, Oct. 10, 2001, **Exhibit 1**]

⁹⁷ Hr'g. Tr. 16:22-25, Oct. 17, 2006, **Exhibit 35B**

car home later, since he may have felt he had drunk too much to drive and got a ride home by someone else, who had their own car at the bar. Sean had done this on several occasions in the past to avoid drinking and driving. The person he left his car keys with got into the accident, parked the car in his parking space on Park View Island, then drove another car to Mr. Casey's apartment, quickly changed his clothes, and asked Mr. Casey for money. He could have gone to the ATM machine across the street and returned to his apartment and went back to bed before the police arrived. It should be noted that Mr. Casey had no visible signs of being in an accident, which you would at least expect to see cuts from so much glass inside the vehicle.⁹⁸ Or, he was so impaired he asked someone to drive while he lay down on the back seat and after the accident the driver switched vehicles with his own, on Park View Island, where he could have lived, and quickly drove Sean home, stopping at the ATM to give him money. These are just two of many scenarios that could have happened that morning. The State needs to prove he is guilty, which it clearly cannot do.

During the hearing to vacate the plea, Assistant State Attorney Gail Levine continued to show her ignorance of the facts of this case. She thought Mr. Casey was officially extradited back to the United States, but as already pointed out, the U.S. *never* requested extradition.⁹⁹ Then, Ms. Levine tried to accuse Mr. Casey of having

⁹⁸ Prosecutor: "And did you notice anything about his person, any injuries or anything of that nature that he had as a result of the crime?"

Hirsch: "He had no injuries or disabilities of any kind."
[Hr'g. Tr. 90:10-13, Jan. 8, 2007, **Exhibit 14**]

⁹⁹ Levine: "When you were returned to this country through the extradition process..."

Casey: "There was no extradition process."

Levine: "You waived?"

Casey: "No, I did not. The United States never requested extradition."
[Hr'g. Tr. 45:25, 46:1-5, Jan. 8, 2007, **Exhibit 14**]

two passports, one in the custody of the Court and another he obtained illegally to be able to flee the country.¹⁰⁰ The truth is that Judge Trawick allowed Mr. Casey to hold on to his passport to avoid the cumbersome process of having to withdraw it from the Clerk's office for each and every trip that he made almost every month. Mr. Hirsch admitted to the Court that this was, in fact, possible.¹⁰¹

The prosecution also falsely accused Mr. Casey of signing a handwritten addendum to the Motion to Vacate Sentence and Conviction, which he *never* signed. Just before the hearing began, Sean's new attorney, David Markus, handwrote on the motion some lines to the effect that Sean had been "physically" threatened and "coerced" by the police officers in this case in an effort to establish another ground for ineffective assistance of counsel in that Milton Hirsch made a mistake in not calling Mr. Casey to testify to this during the hearing on the Motion to Suppress Evidence in October 2001, which would have controverted the testimony of the officers and given the Third District Court of Appeal record basis to affirm Judge Trawick's ruling to dismiss evidence illegally obtained.¹⁰² Yet, Mr. Markus made this addendum *without* consulting Sean and only mentioned it to him for a matter of seconds as the judge was entering the courtroom to begin the hearing. He should have discussed this further with

¹⁰⁰ Levine: "So isn't it true, Mr. Casey, that you didn't have just one passport, you have two passports?"
Casey: "I do not."
[Hr'g. Tr. 37:18-20, Jan. 8, 2007, **Exhibit 14**]

¹⁰¹ Hirsch: "...whether at some point...he was permitted to keep custody of his passport, I honestly don't remember, Judge."
[Hr'g. Tr. 133:3-5, Jan 8, 2007, **Exhibit 14**]

¹⁰² Defense: "[Mr. Hirsch] should have called Mr. Casey to contradict what the officers were saying so that there would be a record basis for Judge Trawick to decide the way he did and I think that was an error on [Hirsch's] part...And if you read this opinion, it can only suggest that had that been done, the result might have been different..."
[Hr'g. Tr. 163:15-21, Jan. 8, 2007, **Exhibit 14**]

Mr. Casey and would have found out that it was not so much “physical” threats, but rather the officers’ coercion and verbal threats that were at issue. This is exactly what Sean testified to later in the hearing.¹⁰³ He never felt he was free to leave, although he had no reason to leave because he truly wanted to find the whereabouts of his vehicle, he was intimidated by the sheer number of police officers involved, and he felt threatened by their repeated demand, “You help us and we’ll help you.” Mr. Markus apologized to the Court for the speed at which he added the addendum.¹⁰⁴ He later even admitted to *never* reading the Motion to Suppress Evidence, which shows his lack of preparedness for this hearing.¹⁰⁵ The prosecutor argued in open court that Sean “signed” the addendum stating he was physically threatened and would have signed anything to take back his plea.¹⁰⁶ However, Sean *never* signed the addendum and *never* mentioned physical threats in his testimony. He only testified to the truth, which

¹⁰³ Defense: “With respect to the motion to suppress, Mr. Casey testified that he felt intimidated by these officers and he would have testified that he felt he was in custody and that was the issue in the motion to suppress, whether or not he was in custody.”
[Hr’g. Tr. 172:12-15, Jan 8, 2007, **Exhibit 14**]

¹⁰⁴ Markus: “I apologize for the handwriting and the speed with which I drew this up...”
[Hr’g. Tr. 5:21-22, Jan. 8, 2007, **Exhibit 14**]

¹⁰⁵ Prosecutor: “First of all, I think what’s really telling and almost kind of sad is that Mr. Markus didn’t read the motion to suppress. He couldn’t possibly have read the motion to suppress and put forth the allegation that he had his client sign.”
[Hr’g. Tr. 166:24-25, 167:1-3, Jan. 8, 2007, **Exhibit 14**]
Note: Sean *never* signed this addendum. The prosecutor even implies that this was imposed upon Sean by his attorney and not his own allegation.

Court: “Do you have a copy of the original motion that was filed and litigated?”

Markus: “No, I don’t. I have gone to the clerk several times and I never get [sic] that particular volume.”
[Hr’g. Tr. 164:23-25, 165:1, Jan. 8, 2007, **Exhibit 14**]

¹⁰⁶ Prosecutor: “...he lies once again by signing a document...that there was physical threats...Just this morning he himself signing that document...goes to show he will do and say anything.”
[Hr’g. Tr. 169:4-6, 171:22-24, Jan. 8, 2007, **Exhibit 14**]
Note: Again, Sean *never* signed this addendum.

was affirmed by Judge Trawick when he found the police had not acted properly in this case.

Also, during the same hearing to vacate plea, Assistant State Attorney Gail Levine, again trying to paint Mr. Casey as an opportunist willing to do anything to reopen the case, said that only now Sean was saying he wanted to testify and that Mr. Hirsch said during his testimony that day that Sean never told him he wanted to testify.¹⁰⁷ This is **completely** false! First of all, Sean had repeatedly told Mr. Hirsch he thought he should testify. He sent numerous letters and e-mails to him urging him to let him take the stand. Sean always believed that if all the facts were laid out on the table and he was allowed to tell the whole story, then everyone would understand that it is very possible he was not guilty. Even co-defense counsel, Michael Haber, admitted that there was always a major point of contention between Mr. Casey, who wanted to testify, and Milton Hirsch, who did not believe his testimony would add anything to the facts of the case.¹⁰⁸ Second, no where does Mr. Hirsch deny that Sean wanted to testify as the prosecutor claims. This is nothing but fabricated information. She claims statements were made that were **not** made, even in the same hearing. Ms. Levine alleges Mr. Casey will say anything to his benefit, but the evidence shows she will say anything to distort the truth even ignoring testimony and inventing testimony to prejudice the defendant.

¹⁰⁷ Prosecutor: "So now he says I should have been put on the stand. But back in 2001, this was not his thought and Mr. Hirsch told you he never told me this."
[Hr'g. Tr. 169:14-16, Jan. 8, 2007, **Exhibit 14**]

¹⁰⁸ Prosecutor: "Do you remember any differences of opinion that come to mind?"
Haber: "The only one is the issue of whether or not he was going to testify..."
Prosecutor: "And what was the difference of opinion there?"
Haber: "[Mr. Casey] was of the opinion that he should [testify]..."
[Hr'g. Tr. 136:11-16, Jan 8, 2007, **Exhibit 14**]

Ms. Levine also used words in Court that were purposefully chosen to unfairly prejudice Mr. Casey. On several occasions, she referred to his offense as “murder.”¹⁰⁹ However, Sean Casey was not charged with “murder.” Certainly an automobile may constitute a “deadly weapon” when it is used to inflict harm upon another human being. Yet, unlike a gun or knife, an automobile is not something which is designed to be used in destroying, defeating or injuring an enemy.¹¹⁰

Clearly, Assistant State Attorney Gail Levine deliberately made false statements and showed disregard of the truth to mislead the Court and prejudice Sean Casey. This is in direct violation of The Florida Bar Rules of Professional Conduct, Section 4-8.2(a):

“A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to the truth.”¹¹¹

Also, Ms. Levine’s tactics were clearly unethical. During the hearing to Vacate Sentence and Conviction, after Mr. Casey was questioned by his attorney, David Markus, Gail Levine asked the judge if she could go to the bathroom before cross examination.¹¹² However, she *never* went to the bathroom. Instead she consulted with witnesses Milton Hirsch, Michael Haber, and Michael Rappaport who all listened to Mr. Casey’s testimony and were going to be called to the stand by the prosecution that afternoon. It does not seem fair that the defense witness, Genevieve Casey, had to

¹⁰⁹ Levine: “Now the murder of Mrs. Montgomery took place at 78th and Hardin [sic]...”
[Hr’g. Tr. 92:4-5, Jan. 8, 2007, **Exhibit 14**]

¹¹⁰ *State v. Del Rey*, 643 So. 2d 1146 (Fla. 3rd Dist. Ct. App. 1994)

¹¹¹ The Florida Bar website: <http://www.floridabar.org>

¹¹² Court: “Cross examination, please?”
Levine: “Most respectfully, Judge, I have to go to the bathroom.”
Court: “Okay. We’ll be in recess for about five minutes...”
[Hr’g. Tr. 25:5-7, 10-11, Jan. 8, 2007, **Exhibit 14**]

remain outside the courtroom while the State's witnesses were allowed to stay inside and feed information to the prosecution and strategize their "lies" during the entire proceeding. This is just one more example of the desperate ploys used by Ms. Gail Levine to ensure a conviction and keep this case closed regardless of truth and fairness. She tried to paint Sean Casey as a liar, but the evidence speaks for itself and shows that **she** is the liar.

However, the State Attorney's Office's deceit and foul play was not only exhibited by Gail Levine, but also by Patrick Dray who subpoenaed the officers to the Third District Court of Appeal in 2002, and even by the first prosecutor assigned to this case, Anthony Accetta, who promised to return Mr. Casey's vehicle to him and not hold it indefinitely.¹¹³ The State **never** returned the car until March 2007, 6 years later!

In *Berger v. United States*, 295 U.S. 78,88 (1935), the Court ruled:

"The [prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereign whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done...while he may strike hard blows, he is not at liberty to strike foul ones."

Furthermore, Ms. Levine absolutely had no knowledge of who Sean Casey is as a person. Only people who know Sean on a personal and professional basis can attest to his character. Most likely, Gail Levine never read the very strong references provided to an earlier prosecutor, Patrick Dray, in 2002, that completely contradict her opinion, which is supported by no facts or evidence.¹¹⁴

¹¹³ Acetta: "...There is no indication we are going to hold this car indefinitely. As soon as I am complete with the investigation, he can have the vehicle."
[Hr'g. Tr. 33:22-25, Apr. 25, 2001, **Exhibit 3**]

¹¹⁴ Character References from John and Genevieve Casey, Shane Larson, and Wendy W. Lacey, **Exhibit 42**

Sean Casey has consistently told the truth about incidents surrounding this unfortunate accident and his alleged involvement. Experts, including his own attorney, told him he was not driving the car as close as two weeks before the scheduled trial date.¹¹⁵ **Even 17-year Metro-Dade Police Department veteran traffic homicide officer and accident reconstructionist, John Buchanan, determined there was no evidence Mr. Casey was driving at the time of the accident.**¹¹⁶ **Mr. Buchanan examined two DNA reports provided by the State Attorney's Office and he concluded that there was no match between the victim's blood and the clothing that was obtained in Mr. Casey's apartment.**¹¹⁷ There most definitely would have been blood or tissue from the victim on the clothing if it was worn by someone inside the vehicle.¹¹⁸ In fact, the only credible description of any occupants in the vehicle came from the police BOLO ("Be On the Lookout") used by law enforcement to apprehend crime suspects, which stated they were looking for a black male.¹¹⁹ That information

¹¹⁵ "[Mr. Buchanan] is very able to testify that you were not in the driver's seat at the time of the accident."
[Letter from Milton Hirsch to Sean Casey, Oct. 5, 2006, **Exhibit 43**]

¹¹⁶ Q: "Is it your opinion that Mr. Casey was not driving the car?"

A: "You have shown me no solid evidence that puts Mr. Casey behind the wheel or in that vehicle at the time the crash occurred...you have shown me no evidence that the defendant that you charged for driving was in fact the driver."

[Buchanan Dep. 37:9-13, 18-20, Nov. 18, 2003, **Exhibit 36**]

¹¹⁷ A: "On a cursory inspection, I don't see...any match between the victim's blood and the clothing that was obtained."

[Buchanan Dep. 21:21-24, Nov. 18, 2003, **Exhibit 36**]

¹¹⁸ A: "What I said was that if those clothes that they obtained from the house were in the vehicle at the time the crash occurred -- and again I don't know who was wearing them, if they were even in there. In my opinion, those most certainly would contain blood or tissue from the victim, based upon the photographs that I have seen and how the victim's body fluids were splattered and sprayed completely through the inside of the occupant's compartment of the vehicle."

[Buchanan Dep. 22:6-14, Nov. 18, 2003, **Exhibit 36**]

¹¹⁹ Male voice [Bravo 32]: "Will advice on additional right now. The only thing we have is BMW, black male."
Female Dispatcher: "Breaking up. We're looking for a black, uh, BMW occupied by a black male?"

had to have been provided to dispatch by Miami Beach Police Officer Pierre Laurent. Interestingly, Mr. Casey mentions conversing with a dark-skinned male from Costa Rica at the bar he was last at.¹²⁰ Could this have been the driver? It is definitely possible, but Judge Glick was not going to allow this information broadcast between police officers on radio to be mentioned at trial because he considered it “hearsay.” Yet, this does not dismiss the fact that this information was given by Officer Laurent.

Again, it is possible Mr. Casey was not the driver, but a passenger in the back seat. Officer Silvagni, a trained traffic accident investigator and Sean’s arresting officer, testified that it is almost impossible to have had a passenger in the front seat of the vehicle given the amount of larger pieces of glass from the broken windshield on the front passenger seat, but his description of smaller glass shards on the clothing had someone been in the back seat is consistent with what was actually found on the clothing taken from Mr. Casey’s apartment.¹²¹ The prosecutor’s would be star witness’s own testimony puts Sean Casey in the back seat as a passenger, not the driver! The driver would have been practically glass-free, since the windshield broke inwards only in

Male voice [Bravo 32]: “No further, yes.”

Female Dispatcher: “Attention all units: Clear to copy a BOLO reference an 18 [Hit & Run] a pedestrian fatality, 7840 Harding Avenue. Time delay, maybe four minutes now. We’re looking for a black BMW, black BMW occupied by a black male.”

[Transcript of Police Radio Communications, p. 8:6-11, 10:15-24, Mar. 11, 2001, **Exhibit 10**]

¹²⁰ Silvagni: “A Costa Rican guy, he was darker than yourself. He’s about the darkest guy in the bar that night, or tonight?”

Hundevadt: “And you said he didn’t pay attention to you, or something...?”

Casey: “He did, he did, but that was it.”

[Taped Statement of Sean Casey by Miami Beach Police, p. 25:8-11, Mar. 11, 2001, **Exhibit 9**]

¹²¹ Silvagni: “If a child or someone is lying on the back seat, portions of their bodies that are facing that window that collapsed would have similar glass and again, small shards, not large pieces, but small, almost like cut blades of grass size amounts, visible to the naked eye, but very minute. That would be on their clothing.”

[Hr’g. Tr. 90:23-25, 91:1-3, Oct. 10, 2001, **Exhibit 1**]

the upper, passenger-side corner.¹²² Furthermore, a picture was taken of just one possible scenario of how Mr. Casey could have been positioned had he been lying down under the effects of some drug or alcohol, rolling off at the time of impact with the pedestrian.¹²³ **The evidence clearly places Mr. Casey as a passenger, if he was even in the vehicle.**¹²⁴

Also, a careful examination of damage to the vehicle shows that there was apparently no contact between the front bumper and the victim. The air bags never deployed, which they would have at an impact of 5 MPH or greater.¹²⁵ The damage to the vehicle was concentrated on the front-right panel, hood, upper-right side of windshield and broken passenger-side rearview mirror. Assuming the pedestrian was crossing east to west following police diagrams, albeit contrary to the prosecution's theory, for some reason she decided to cross when there was traffic in all three lanes. Apparently, she made it past the first lane of traffic, then the second lane occupied by Mr. Casey's vehicle, and it is likely a car or bus was coming in the third lane, so she literally would have backed into Mr. Casey's vehicle causing an impact on the front right panel instead of the bumper. Perhaps the heavy groceries she was carrying obstructed her view or caused her to lose her balance. This is consistent with the physical damage to the vehicle.¹²⁶ The police report states the victim "rolled off vehicle's roof on right

¹²² Pictures of Mr. Casey's vehicle taken on Apr. 2, 2007, **Exhibit 44**

¹²³ Picture of Mr. Casey's possible position inside vehicle, **Exhibit 45**

¹²⁴ A: "It's a possible scenario, how the defendant, if he was in the vehicle, could have been in the vehicle. [Buchanan Dep. 18:13-15, **Exhibit 36**]

¹²⁵ Source: BMW Gallery, Norwell, MA, Jun. 7, 2007

¹²⁶ Pictures of Mr. Casey's vehicle taken on Apr. 2, 2007, **Exhibit 44**

side,” but there is not a scratch on the roof.¹²⁷ Also, the diagram produced by police (See Exhibit 38) shows the victim crossing at the intersection of 79th Street and Harding Avenue, which is incorrect. Glass and other fragments of the vehicle were found at 7840 Harding Avenue, which is closer to 78th Street than 79th Street. This is just one of many examples how the Miami Beach Police did a poor investigation in this case that lasted only a matter of hours.¹²⁸ They **never** fingerprinted the steering wheel or door handles. They **never** canvassed the area to find other potential suspects or witnesses. They found Sean Casey who said he was out drinking the night before and that he could not remember getting home. For the police, it was a closed case, but they neglected to do a thorough investigation to find out what **really** happened. Now, so many years later, this may never be known.

A very key element in this case is whether Sean Casey really does not remember leaving the bar where he was at, the accident itself, and how he got home that morning. The truth is he does **not** remember the accident despite his best efforts to try to recover this memory loss by consulting clinical and forensic psychologist, Dr. Michael E. Rappaport, and certified hypnotist, Dr. Charles Mutter. The former attributed this lapse of memory to possibly having been involuntarily slipped a pill, such as Rohypnol, a common street drug that is secretively slipped into a drink and leaves the victim in a “zombie-like” state, still able to function, but with absolutely no memory of what transpired while under the influence of the drug.¹²⁹ Unfortunately, police never tested

¹²⁷ See Florida Traffic Crash Report #60531361, Mar. 11, 2001, **Exhibit 46**

¹²⁸ “Is investigation complete? Yes.”
[Florida Traffic Crash Report #60531361, Mar. 11, 2001, **Exhibit 46**]

¹²⁹ “Rohypnol, also known as roofies...At low doses, Rohypnol produces intoxication, muscle relaxation, and sedative-hypnotic effects lasting 2-8 hours.” (Note: This is consistent with Mr. Casey’s memory loss from

for any substance other than alcohol even though Sean mentioned this possibility to police.¹³⁰ It is remarkable that experienced Miami Beach police officers, who encounter incidents involving “roofies” every night on popular South Beach, never followed through with this very real lead.

Another possibility is that Mr. Casey was in the vehicle, saw the accident and suffers from *dissociative amnesia*. According to medical journals, this form of amnesia “appears to be caused by stress associated with traumatic experiences endured or witnessed...Additionally, some persons are believed to be more predisposed to amnesia, eg., those who are easily hypnotized.”¹³¹ Also, “[p]eople with dissociative amnesia usually have one or more memory gaps spanning a few minutes to a few hours or days...This disorder is most common among young adults [Note: Mr. Casey was 27 years old]...more commonly among people who have been involved in wars, accidents, or natural disasters.”¹³² Another similar disorder that Sean could be afflicted with is *hysterical amnesia*. “This covers episodes of amnesia linked to psychological trauma. It is usually temporary and can be triggered by a traumatic event with which the

between 6:00 a.m. and 11:00 a.m.). “Rohypnol also severely impairs a user’s ability to drive.”
[Internet Source: Brown University Student Health Service,
http://www.brown.edu/student_service/health_education/atod/od_rohypnol.htm, **Exhibit 47**]

“One of the significant effects of [Rohypnol] is anterograde amnesia...a condition in which events that occurred while under the influence of the drug are forgotten.”
[Internet Source: <http://www.streetdrugs.org/rohypnol.htm>, **Exhibit 48**]

¹³⁰ Hundevadt: “...Did you ever leave [your drinks] unattended?”

Casey: “Yes...”

Hundevadt: “Did you notice any side effects other than what may have been alcohol?”

Casey: “Something to think about...I don’t know. I could have.”

[Taped Statement of Sean Casey by Miami Beach Police, p. 20:18-20, 21:1-4, Mar. 11, 2001, **Exhibit 9**]

¹³¹ Internet Source: First Person Plural (UK), http://www.psych-net-uk.com/dsm_iv/dissociative_amnesia.htm, **Exhibit 49**

¹³² Internet Source: Merck & Co., Inc., <http://www.merck.com/mmhe/print/sec07/ch106/ch106b.html>, **Exhibit 50**

mind finds it difficult to deal. Usually, the memory slowly or suddenly comes back a few days later, although memory of the trauma may remain incomplete.”¹³³

Also, Mr. Casey has **never** denied that the memory loss could have been from his own alcohol consumption, but this had never happened before. Dr. Rappaport, who met with Sean once a week for over a year, never diagnosed an alcohol problem and never saw a need to recommend treatment. Sean has no history of substance abuse before or after this unfortunate accident.

Whatever the reason is for not remembering the accident, the important point is that it is legitimate memory loss. Dr. Charles Mutter, a physician in Psychiatry specializing in hypnotic regression and who has worked for Coral Gables Police and the State Attorney’s Office, even working on cases for former State Attorney Janet Reno, confirmed that Mr. Casey has **no** memory of the accident.¹³⁴ Miami Beach Police apparently believed Mr. Casey was telling the truth, since there is **no** record anywhere by any of the many officers involved in the investigation that they thought he was lying.¹³⁵ The Court also found Mr. Casey’s story credible when it suppressed the

¹³³ Internet Source: University of Waterloo (Canada), http://www.ahsmaail.uwaterloo.ca/kin3336/amnesia/amnesia_2.html, **Exhibit 51**

¹³⁴ A: “I put a hemostat clamp in this hand which is about [a] thousand pounds of pressure. A person can always fake hypnosis...if he’s faking, it’s going to hurt like anything. He did not respond to very painful stimuli. At that time I counted him backwards and had him go back to the time of the date of the alleged event...He had no memory of events...I did hypnotize him.”

Q: “So March 11, 2001 he told you that he did not remember getting into his car; is that accurate?”

A: “That is correct.”

Q: “No memory leaving the bar?”

A: “That’s correct.”

Q: “And he woke up and the police were knocking. The police were in [Sean’s] apartment, woke up by police in [his] apartment?”

A: “Yes.”

[Mutter Dep. 9:17-22, 17:6, 13, 18:18-20, 19:25, 20:1-5, Feb. 6, 2004, **Exhibit 52**]

¹³⁵ Defense: “Did you write in a report anywhere that you thought Mr. Casey was feigning ignorance about the whereabouts of his car?”

Hundevadt: “I don’t believe I did.”

physical evidence in this case.¹³⁶ The State Attorney's Office has brought forth no evidence or expert that can refute the legitimacy of Sean Casey's memory loss, nor did they want to. If a State-appointed psychologist examined Mr. Casey they would have arrived at the same conclusion, which would have greatly jeopardized a conviction in this case; another example of the prosecutor seeking a conviction with no regard of the truth. Mr. Casey's memory loss *must* be accepted as truth.

Sean Casey has shown remorse despite evidence that could exclude him from culpability. Anyone who knew him at the time of the accident can attest that he was extremely sorry a person had passed away.¹³⁷ Mr. Casey is incapable of intentionally causing anyone harm. If he knew a person was injured, he would have stopped and provided assistance. He simply did not know what had happened whether he was driving, a passenger, or otherwise. Mr. Casey was never given an opportunity to speak out in open court to express his true feelings of sorrow over this whole unfortunate incident. Sean did have remorse even though experts were telling him he was not to blame even if he was driving the vehicle. Accident reconstructionist, John Buchanan, concluded in his investigation that neither Mr. Casey nor his vehicle was at fault.¹³⁸ He

Defense: "You never wrote that anywhere, did you?"

Hundevadt: "I don't believe I did."

[Hr'g. Tr. 55:6-11, Oct. 10, 2001, **Exhibit 1**]

¹³⁶ See Footnotes 29-32 ("Background Section")

¹³⁷ Character Reference by Wendy W. Lacey, **Exhibit 42**

¹³⁸ A: "The victim walked into the path of the vehicle that had the right of way, so I would say that the victim definitely contributed heavily to the crash."

Q: "...The person who is responsible for this accident is the victim who was crossing the street; is that your opinion?"

A: "The victim left the curb against [Florida] statute, walked into the path of the vehicle that was in such a close proximity that it was not able to stop, and struck the victim...she cannot walk out in front of a vehicle that is going on the roadway and violate the roadway. She cannot just be standing on the sidewalk on Dixie Highway and jog across the road whenever you feel like it. I mean you can, but you are going to get hit."

attributes blame on the victim for crossing a busy three-lane roadway not at a traffic light or marked crosswalk. She, in fact, was committing an infraction of Florida Statute §316.130, which stipulates:

“Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.”

Furthermore, an autopsy report of the victim indicates that Ms. Montgomery was suffering from emphysema and taking high blood pressure medication, which could have impaired her judgment or ability to cross the road, especially carrying heavy groceries.¹³⁹ Also, Miami Beach Police conceded that the area where the accident occurred was prone to accidents. Just four days before the accident in this case, a young man on a bicycle was struck and killed by a vehicle at the **exact** same location.¹⁴⁰ At a meeting of the Miami Beach City Council, on March 14, 2001, Police Chief Richard Barreto recommended the City contact the Florida Department of Transportation to have the traffic signal lights changed, crosswalks added, additional traffic signals installed, and signage added.¹⁴¹ In June 2003, a preliminary study was revealed focusing on Harding Avenue from 75th to 85th Streets. “The study showed that accidents in that area are not only caused by speeding, but also by poor on-street parking conditions and intersections with obstructed views.”¹⁴² Miami Beach Police

[Buchanan Dep. 30:16-18, 31:8-14, 34:24-25, 35:1-4, Nov. 18, 2003, **Exhibit 36**]

¹³⁹ Autopsy Report for Mary Montgomery, Mar. 22, 2001, **Exhibit 53**

¹⁴⁰ Hirsch: “We have agreed that it is an area that is prone to accidents, correct?”
Silvagni: “Yes.”
[Hr’g. Tr. 111:8-10, Oct. 10, 2001, **Exhibit 1**]

¹⁴¹ Minutes to Meeting of Miami Beach City Commission, Mar. 14, 2001, **Exhibit 54**

¹⁴² The Miami Herald, “Police say speeding not only traffic issue,” Apr. 29, 2001, **Exhibit 55**

Major Gerry Tollefson said, "You see accidents every day."¹⁴³ Finally, as already mentioned, the victim most likely jumped back into the middle lane where Mr. Casey's vehicle was traveling to avoid being hit by traffic in the right lane. Overall, there is no doubt that given the circumstances, this accident was going to happen whether Mr. Casey was driving or not and whether he was intoxicated or not.

Furthermore, no matter whether Sean Casey was driving or not he knows his vehicle was involved in the death of Ms. Mary Montgomery. He knows he should never have left his apartment that evening with his vehicle knowing he would be consuming alcohol. He also knows he should never have gone to the particular bar that he did, The Boardwalk, where being slipped a "roofie" was common. On July 25, 2001, just 4 months after the accident in this case, Irving Sicherer was found murdered in his Aventura apartment. He had allegedly been drugged at The Boardwalk, taken to an ATM machine where the assailant forced him to withdraw money, then took him to his apartment where he killed him and stole his brand new Jaguar. His killer has never been found. The similarities to Mr. Casey's case are striking. An ATM withdrawal of \$240 was made here and a spare key to Sean's vehicle is still unaccounted for.¹⁴⁴ It does not take much to imagine that Mr. Casey could have had a similar fate as Mr. Sicherer had it not been for this accident. **In the end, nobody knows if Mr. Casey was alone or not and nobody knows how he got home.**

¹⁴³ Ibid., **Exhibit 55**

¹⁴⁴ Defense: "...did you personally make any effort to determine if there were any car keys in the car?"
Ofc. Nagel: "Yes, we did find a---the valet key was inside the car."
[Hr'g. Tr. 17:8-12, Oct. 10, 2001, **Exhibit 1**]

Judge Leonard Glick stated in his order denying Mr. Casey's motion to Vacate Conviction and Sentence that Sean is an intelligent person who should have known better.¹⁴⁵ However, nothing in his background or education ever prepared him for the criminal justice system. He trusted the experts, paid over \$125,000 in legal fees alone, and he did **everything** they told him to do.¹⁴⁶ Everyone Sean turned to for advice, including friends, family and colleagues, all said "trust your attorney." Sean has learned the hard way that attorneys often make mistakes, give bad advice, and make decisions in their own interest instead of the interest of their clients.

Sean Casey always stood by the truth hoping that the justice system would hear him. He did this even knowing that had he "lied" and pleaded "Guilty" from the beginning, he probably would have received a much lighter sentence in tune with most DUI manslaughter cases in Florida of 4-6 years in prison. This would have resulted in closure much sooner and Sean could have avoided the tremendous pressure of the pre-trial period. Yet, he was not going to lie. He does not remember the accident. He does not remember being in the vehicle or leaving the scene of an accident. He could not say he was guilty and still cannot say this. On the day of plea signing, Sean told his attorney that he would not be able to say he was guilty of the charges. Mr. Hirsch spoke quickly with Judge Glick privately in his chambers and they agreed not to ask him

¹⁴⁵ "The defendant is a sophisticated and highly intelligent adult."
[Ct. Order p. 1:20, Mar. 2, 2007, **Exhibit 25**]

The Court: "...for him to testify that I was just following orders because he was my lawyer...that really doesn't ring true."
[Hr'g. Tr. 175:7-8, 11-12, Jan. 8, 2007, **Exhibit 14**]

¹⁴⁶ Total legal fees of \$127,500: Milton Hirsch (\$70,000), Michael Haber (\$7,500), Patricio Gonzalez (\$24,000), Gonzalo Miguez (\$2,000), David Markus (\$20,000). Combining all other expenses (investigators, researchers, therapists, doctors, experts, loss of automobile, loss wages, etc...) this incident has had a devastating financial impact on Sean and his family in the vicinity of \$1.2 million. Mr. Casey's parents spent almost the entirety of their retirement savings on this case.

if he was guilty. Mr. Casey only exercised his constitutional right to due process. His story has never wavered. There have been absolutely no inconsistencies in any of his statements.¹⁴⁷ Mr. Casey sought to find the truth despite prosecutors and police officers who used deceptive methods to ensure a conviction since the day of the accident .

Sean Casey undoubtedly was punished during the 5½-year, pre-trial period, particularly being a person who has never been involved and could never have imagined being involved in the criminal justice system. Mr. Casey may as well have been sentenced and sent to prison on the date of his first arrest considering the mental anguish he suffered daily. He was living a nightmare being accused of a crime he does not even remember and contemplated suicide many times.

Milton Hirsch and Dr. Michael Rappaport testified that this period was very troubling for Sean.¹⁴⁸ Although both deny advising him to flee, despite *very* convincing evidence that they did, they would agree that his decision was based in part by his

¹⁴⁷ Hirsch: "...he was very consistent in his narrative of events to me."
[Hr'g. Tr. 95:20-21, Jan. 8, 2007, **Exhibit 14**]

Prosecutor: "Did he have a recollection of the events of the crime?"

Hirsch: "None whatsoever. Throughout the entire period of my representation, he was quite adamant that although he wished he could remember what happened, that he had a complete failure of memory for the period of several hours including the time of the crime."

[Hr'g. Tr. 90:20-25, 91:1, Jan. 8, 2007, **Exhibit 14**]

Q: "Has he told you about what really happened?"

A: "He said I don't remember anything."

[Muñoz Dep. 22:13-14, Sept. 30, 2003, **Exhibit 11**]

¹⁴⁸ Defense: "Did you advise the defendant to see a therapist by the name of Michael Rappaport?"

Hirsch: "Yes."

Defense: "Why was that?"

Hirsch: "...[Casey] was in need of a tremendous amount of emotional and psychological support from me... so I encouraged him to see Dr. Rappaport..."

[Hr'g. Tr. 93:19-22, 24-25, 94:1-5, Jan. 8, 2007, **Exhibit 14**]

Defense: "Now, would you keep Mr. Hirsch updated on the mental health status of Mr. Casey?"

Rappaport: "Well, you know, there were no mental health issues. It was, you know, other than helping Sean deal with this very stressful situation he was dealing with."

[Hr'g. Tr. 143:23-25, 144:1-2, Jan. 8, 2007, **Exhibit 14**]

genuine fear anyone would have facing 45 years in prison for a crime nobody knows for sure that he committed. However, Mr. Casey insists he would **never** have fled if it were not for their advice. It should be noted that Dr. Rappaport had spent 6 months at Ft. Leavenworth Military Prison for charges of adultery, sodomy with two women he was counseling and drug use, while he was a U.S. Air Force psychologist. He was later reprimanded by the Florida Department of Professional Regulation to 4 years probation, community service, and supervision by another psychologist, Merry Haber, mother of attorney Michael Haber and with whom he formed his own practice, Behavior Changers, in Miami.¹⁴⁹ The Board determined Dr. Rappaport, “has impaired judgment and poor impulse control.”¹⁵⁰ One of his most notorious cases became known as the “Country Walk” case in which he worked with then-prosecutor Janet Reno in 1985 to counsel Ileana Fuster, who, along with her husband, Francisco Fuster, was charged with child molestation at a home-based babysitting service in the Country Walk neighborhood of Miami. Ileana always maintained their innocence, but Dr. Rappaport was hired by the prosecution to get her to admit her husband’s guilt in exchange for her freedom. He used daily relaxation, visualization and guided imagery techniques and told her she would go to prison for a very long time if she did not recover her memory of the abuse, which he claimed she was repressing. She finally broke down and testified against her husband, even though to this day she proclaims their innocence. Dr. Rappaport said, “We just spent hours and hours talking to her...It’s kind of a

¹⁴⁹ Ironically, Dr. Rappaport sent this same Merry Haber to the courtroom on Oct. 17, 2006, probably to urge Sean to sign the plea. Sean had never even met her and she was never involved in his counseling. She literally screamed out to Sean to sign the plea. Dr. Rappaport conveniently did not show up. Just as she “saved” Dr. Rappaport’s career in the 80s, Merry Haber was once again coming to his rescue to make sure his advice to Sean to flee is never revealed.

¹⁵⁰ Final Order (Case No. 0098682), Florida Dept. of Professional. Regulation, p. 6:4-5, Aug. 22, 1989, **Exhibit 56**

manipulation.”¹⁵¹ Since then, Dr. Rappaport has had the reputation of being a “quack” in the psychology community.¹⁵² Nobody should be surprised that Dr. Rappaport advised Sean Casey to flee based on his questionable practices in the Fuster case.

While abroad Mr. Casey's fears and mental torment only increased. He suffered constant distress, fear about his future, and sorrow over the pain his family was also enduring throughout this entire period.¹⁵³ Punishment for Sean Casey began upon his arrest on March 11, 2001, and will continue for the rest of his life. Because of this DUI manslaughter conviction, his driver's license has been permanently revoked, which will have an impact on his mobility and employment opportunities. His basic civil rights, including the right to vote, hold public office and work for the government cannot be restored for 15 years after completing his sentence, according to the Rules of Clemency. One of Sean's career goals has been to form part of the U.S. Diplomatic Corp as a Foreign Service Officer. This dream has been shattered as a result of this conviction. All of his years of hard work and studies have gone down the drain. This is a loss not only to Mr. Casey, but to society. Mr. Casey can give so much; it is unfortunate that this incident will be an obstacle for the rest of his life.

¹⁵¹ The Nation, “Janet Reno's Coerced Confession” by Alexander Cockburn, Mar. 8, 1993, **Exhibit 57**

¹⁵² The Guide, July 1997, **Exhibit 58**

¹⁵³ After Sean's arrest on Mar. 11, 2001, his parents John and Genevieve Casey divorced after 32 years of marriage largely as a result of the stress from this catastrophe in their only child's life. His mother was recently diagnosed with chronic heart disease and has suffered minor strokes and seizures, which have only increased following her son's incarceration. Sean is an only child responsible for his parent's care and well-being. His mother desperately needs him now and his whole family will not rest until Sean is free again.