

PRESS RELEASE

MIAMI PROSECUTOR LIES IN COURT TO KEEP PRISONER BEHIND BARS AND COVER UP MISCONDUCT OF ASPIRING JUDGE AND THERAPIST

Asks Court To Seal Public Record To Hide The Truth

Miami, FL (Aug. 5, 2009) – The Miami State Attorney’s Office has asked Circuit Court Judge John W. Thornton to seal transcripts of audiotaped conversations prosecutors convinced the Court in 2007 were illegally recorded to keep the truth from being made public about violations of law and professional ethics committed by prominent Miami lawyer and candidate for circuit court judge in the 2010 elections, Milton “Milt” Hirsch, and psychologist, Dr. Michael E. Rappaport.

Sean Casey, 36, currently serving a 12.5-year prison sentence for DUI manslaughter alleges these tapes record Hirsch and Rappaport advising him to disappear before trial. Florida law makes it a third-degree felony for any individual to counsel, encourage, or procure another individual to commit a crime, in this case, jump bail.

In January 2007, Casey attempted to withdraw the plea that sent him to prison saying Hirsch pushed him to sign it so he could not go to trial and explain to a jury why he fled which would have exposed Hirsch and Rappaport’s criminal wrongdoing.

Judge Leonard E. Glick heard testimony from Casey and his mother that during meetings between November 2003 and May 2004 Hirsch told Casey to disappear and Rappaport gave specific instructions on how to be a fugitive. They testified they were aware of the existence of secretly-recorded conversations with Hirsch and Rappaport that would prove what they were alleging.

Assistant State Attorney Gail Levine, having listened to the tapes privately with Hirsch and Rappaport before the hearing and knowing what was recorded on them, allowed Hirsch and Rappaport to lie during their testimony denying the allegations. She then called Casey the “liar.”

In Florida, it is illegal to record a conversation without the consent of all parties unless there is a crime being recorded that waives the speaker’s justified expectation of privacy. Levine, a career prosecutor with several Bar complaints for professional misconduct, must have elicited this false testimony from Hirsch and Rappaport so the judge would believe no crime was recorded on the tapes to make them admissible in court. She succeeded.

Judge Glick believed their lies, ruled Casey and his mother’s testimony was “on all points complained of, unworthy of belief,” and refused to listen to the tapes believing that since no crime was recorded they were “illegally-gotten evidence.”

A post conviction attorney representing Casey in another pleading in this case with evidence of Casey's innocence in the charges resulting from the traffic fatality in Miami Beach in 2001, attempted to resolve this issue in a letter to State Attorney Katherine Fernandez Rundle.

In a response prepared by Assistant State Attorney John Perikles in March, he acknowledged one of the tapes was "admittedly quite shocking" but avoided any admission that the prosecution lied in court. He told Casey's attorney that if she disclosed the content of the tapes she could face penalties.

In April, Casey filed a motion in the Eleventh Circuit Court with copies of the transcripts of the tapes to illustrate that he and his mother were telling the truth and that Judge Glick's decision not to listen to the tapes because they were illegally-recorded was based on fraud.

The State Attorney's Office immediately asked Judge John W. Thornton (Judge Glick retired in December) to strike the motion and seal the transcripts from the public record. The prosecution must not want the Court to know Hirsch and Rappaport committed a crime that would make the tapes admissible, and worse, Hirsch, Rappaport, and Levine committed perjury by lying about it.

Casey, a graduate of Georgetown University's School of Foreign Service and who spent nearly a decade on the staff of the Inter American Press Association (IAPA) campaigning for free speech and a fair and independent system of justice in Latin America is now fighting for justice here in his own backyard. "What has happened in my case would be expected in Caracas or Havana, not the U.S.," Casey remarked, "Here judges rely on prosecutors to tell them the truth, but in my case they lied." The IAPA President Enrique Santos Calderon sent an official letter on Casey's behalf to Judge Thornton asking him not to seal the record.

Mr. Thomas R. Julin of the law firm *Hunton & Williams* and Chair of The Florida Bar Media and Communications Law Committee is representing Casey *pro bono* in his opposition to the State's request to seal the tapes.

A court date has been set for August 13 at 2:00 p.m. when Mr. Julin will urge the Court to not seal the transcripts and to withdraw Casey's plea so he can go to trial and prove his innocence.

Source: "The Free Sean Casey Campaign" (Please visit www.freeseancasey.org)