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**Memo:**Correction ran June 28, 1997; see end of text.

## OFFICER FREE FROM DRUG CHARGES \ STATE CALLS WORK BY POLICE SHODDY

*JACK REJTMAN Herald Staff Writer*

State prosecutors dropped drug charges Thursday against former Hialeah Police Officer Carlos de Varona -- characterizing the city's internal affairs investigation of him as shoddy, inaccurate and incomplete. David Paulus, lead prosecutor for the Dade state attorney's office, told Circuit Judge Ellen Leesfield that he agreed with a 34-page motion filed in May by de Varona to suppress the search warrant that turned up five marijuana cigarettes and a \$10 bag of pot in his home.

"The police work in this case was embarrassing, and the state could not go forward with the case," Paulus said after the hearing. "Our decision has nothing to do with guilt or innocence."

Chief among their concerns were omissions and contradictions in police testimony that came out in depositions. De Varona was Hialeah's most decorated officer until August, when fellow officers raided his home. The 16-year veteran maintained he was set up, but then a voluntary drug test came back positive and he resigned. On Thursday, de Varona said the state's decision to drop the charges -- purchase and possession of marijuana -- validates his claim that he was set up. Now, he plans to sue the city and try to get his job back.

"I've been vindicated, and that's all I wanted. The truth came out," he said. "I can't wait to get back into law enforcement." City officials said the state's decision won't change their view of de Varona, nor will they welcome him back. "He resigned," City Attorney Alex Vilarello said. "So at this point, he gave up any rights to appeal any disciplinary action the city would have taken against him." that the officers who botched the case will be punished, perhaps criminally, if an internal affairs investigation shows they perjured themselves in obtaining the warrant.fell apart with the deposition of Sgt. Carlos Zayas. In his sworn statement, Zayas contradicted an affidavit he wrote to obtain the search warrant for de Varona's Hialeah home.

"This is the most embarrassing thing I've seen in a long time in this Zayas, a 13-year veteran who works in the narcotics division, said he requested the search warrant based on information he had at the time. His deposition was misinterpreted, he said.

"I don't feel that I've done anything wrong," Zayas said. "Once they do the inquiry, the documentation will speak for itself."

Manny **Casabielle**, de Varona's lawyer, said the affidavit used to obtain the search warrant contained three misstatements and 17 omissions of fact, including:

\* Informant Yenny Carcases used seven different aliases, six different dates of birth and two different Social Security numbers.

\* Since 1986, Carcases has been arrested eight times -- on charges ranging from aggravated assault to grand theft. Zayas wrote that Carcases had only been arrested once.

\* A polygraph test could not confirm that Carcases was telling the truth.

None of those facts was included in the request for the search warrant. But during the deposition, Zayas said he told his supervisor he wouldn't use Carcases for those reasons.

Zayas said he told the supervisor, Lt. Orlando Aguilera, before obtaining the warrant that Carcases was not credible. But Aguilera told him to continue with the investigation, Zayas said.

Aguilera, in his deposition, said he knew nothing of Carcases' history when Hialeah Police executed the warrant.

Aguilera could not be reached at his office for comment.

Initially skeptical of a setup, **Casabielle** said the depositions make it seem possible.

“This case went beyond mistakes,” **Casabielle** said. “You cannot be that incompetent and have any kind of IQ.”

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**CORRECTION**

The Herald ran the wrong picture with a story on Page 2B of Friday's Local section. This is the correct picture of former Hialeah Police Officer Carlos de Varona. State prosecutors dropped drug charges against de Varona, characterizing the city's Internal Affairs investigation of him as shoddy, inaccurate and incomplete. The picture that ran in error on Friday was of a Miami Beach police officer, also named Carlos de Varona, who is not involved in the case.

**Illustration:**photo: Carlos De Varona (a)

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