

11 Start Trial in Shootings By Miami Police Officers

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Eleven suspended or fired police officers whose trial on corruption and conspiracy charges began today in federal court here are the worst kind of criminals, as prosecutors say, or the worst kind of victims, as their lawyers say.

In opening arguments, the prosecution told a jury that the government would present "throw-down" guns planted at crime scenes by rogue officers who shot unarmed suspects. It said it would prove that the men lied to investigators to cover up their actions. Many of the defendants were members of an elite street team, "the Jump Out Boys," who operated tough neighborhoods. It has been disbanded.

"The 11 defendants are cops who have crossed the line in four different shootings," the prosecutor, Curtis Miner, an assistant United States attorney, said. "For these officers, the code of loyalty is more important than the truth."

The government has said it expects to call to testify two former officers who pleaded guilty to conspiracy charges related to the shootings and agreed to break the so-called code of loyalty to testify against their former co-workers.

Lawyers for the defendants say they are scapegoats who simply practiced aggressive police work to protect citizens in some of the most crime-ridden neighborhoods. The lawyers say the charges are politically motivated in response to a group of unfortunate but justified shootings.

The case centers on four prominent shootings and arrests in the mid- to late 1990's. They include the case of Richard Brown, 73, who died when the police fired into his apartment in a drug investigation in 1996, and the case of a homeless man who was shot in 1997 while carrying a radio that the police later said was a gun, according to the authorities.

All the shootings were ruled justified by state prosecutors and an internal Police Department review headed by former Chief Raul Martinez, who resigned in November. Civil rights leaders and citizen advocates, however, were outraged by the shootings, in which three black suspects were killed and the homeless man, who is white, was wounded.

All the defendants are Hispanic. Defense lawyers said before the trial that their clients were victims of the racially charged pressure stemming from the shootings.

"It's an ugly picture that the government paints, a picture that is painted in hindsight and hypocrisy," said Richard Sharpstein, a lawyer for two officers, Arturo Beguiristain, 42, and Jorge Castello, 34.

"You will be asked to make your decision in hindsight of these police officers who made decisions on the road in a split moment," Mr. Sharpstein added. "This case, ladies and gentlemen, is not about cops who cross the line. It's about cops who pursue criminals who cross the line.

"They will prove no kind of agreement or conspiracy. There's going to be no -- zero, zip -- evidence that there was any plan, any agreement by any of these officers."

Harry Solomon, a lawyer who represents another defendant, Eliezer Lopez, 35, told the jury that the government was stretching the facts to suggest a conspiracy that never existed.

"Every one of these shootings was justified," Mr. Solomon said. "But every one of these incidents were lumped together."

The jury of six men and six woman has eight Hispanic jurors, three whites and one black. Mr. Miner, the prosecutor, told them that the case was not about the officers' right to use deadly force in the line of legitimate police work.

"This is a case against the 11 defendants who saw themselves above the law," he said.

Manny Casabielle, a lawyer for a defendant, Rafael Fuentes, 35, said the charges would prove baseless.

"When you look in the evidence box at the end of this trial," Mr. Casabielle said, "you will be able to tell the government that they were wrong."

The other defendants are Jose Acuna, 44; Jesus Aguero, 40; Jorge Garcia, 40; Israel Gonzalez, 43; Alejandro Macias, 38; Jose Quintero, 39; and Oscar Ronda, 41. All are charged with conspiracy to obstruct justice, which carries a penalty of five years in prison and a \$250,000 fine.

Mr. Aguero, Mr. Castello, Mr. Garcia, Mr. Gonzalez, Mr. Quintero and Mr. Ronda are also charged with one or more counts of obstruction of justice. That is punishable by up to 10 years in prison and a \$250,000 fine.

In addition, Mr. Garcia and Mr. Gonzalez are charged with committing perjury before a grand jury. That charge also carries a penalty of up to 10 years in prison and a \$250,000 fine.

The Police Department has suspended or discharged all the defendants.

All but two are represented by separate lawyers, setting up what is emerging as complex legal maneuvering. The lawyers are each trying to gain acquittals for their clients in a strategy that leaves each defendant to fend for himself.

Legal experts said that it was common for defendants accused of being co-conspirators to be tried together but that putting 11 defendants on trial at once, represented by different lawyers, presented potential problems for the defense.

"The prosecution gains major advantage in multiple defendant cases, because it is more difficult for jurors to sort out evidence for individual defendants," said Jeff Weiner, former president of the National Association of Criminal Defense Lawyers and the Florida Criminal Defense Attorneys Association. "Jurors may confuse the evidence and carry evidence from one defendant to another."

The prosecution could also benefit from the defense lawyers' having different agendas, Mr. Weiner said.

"The government," he said, "sits back and enjoys the possibility of defense lawyers not having a totally cohesive defense because each defendant has a lawyer and each lawyer is focused on an individual client, not on the group."

Even so, Mr. Weiner added, juries are unpredictable, and citizens generally tend to support police officers and some of their more aggressive crime-fighting tactics.

"There will be people on the jury," he said, "who think Miami police patrol a generally tough area, and they see the need for them to be tough."