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COURT BROOM JURY TOLD TWO JUDGES WERE SET UP

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Two Dade circuit judges accused of taking bribes are innocent victims preyed upon by government witnesses trying to save their own hides, their defense lawyers passionately told the Court Broom jury Tuesday.

The defenses of Judge Alfonso Sepe and Judge Phillip Davis are similar: Both men were set up by the prosecution's star witnesses, Raymond Takiff and former Circuit Judge Roy Gelber.

Sepe was victimized by the countless lies told by witnesses trying to avoid prison time or reduce their sentences, attorneys Edward Carhart and Edward O'Donnell argued. Despite Gelber's testimony, Sepe had no idea that a \$150,000 bribe was paid to others for his ruling in a drug trafficking case, they said.

Davis was entrapped into taking \$30,000 in bribes, said his defense attorney, Rep. Alcee Hastings. Davis, an admitted cocaine addict, was a "soft kill" for Takiff, who enticed Davis into taking bribes.

"In America, the government should not induce people to commit crimes," said Hastings, his voice rising and right fist shaking. "This is not Bosnia . . . You didn't wake up this morning in Haiti . . . In America, the law does not permit entrapment."

The judge-as-victim defense is a gamble. Both Davis and Sepe are hoping jurors will disregard FBI audio and videotapes and marked money found in their homes. They hope jurors will see them as innocent men targeted by ambitious agents and exuberant prosecutors.

The day began with the closing argument for Sepe, the 66-year-old veteran judge who faces 32 charges of racketeering, bribery, extortion and mail fraud and 340 years in prison if convicted.

His co-defense lawyer, Ed O'Donnell, said Sepe had no idea his pretrial ruling in a drug trafficking case was being sold for \$150,000. Sepe ruled in favor of defense lawyer Ray Takiff

simply because the facts and the law supported it, he said.

"A judge wearing a black robe heard a set of circumstances and facts and he ruled according to the law," O'Donnell said of the case that Sepe is accused of fixing. "That judge was sold without anyone ever telling him he was sold."

Of the four defendants, Sepe is the only one who did not talk directly to Takiff on secret FBI tapes. That is a definite advantage -- a point his lawyers emphasized for jurors.

"There is not one tape -- and not one videotape -- showing Alfonso Sepe committing a crime, discussing a crime, or contemplating a crime," Carhart said. "Not a single one."

Much of the case against Sepe relies on the credibility of Gelber, who told jurors that he paid \$50,000 to Sepe for his ruling in the drug case. But Carhart said Gelber was so desperate for money that he lied to everyone -- including his wife and parents -- to get it.

And what about the \$5,000 in marked \$100 bills found in Sepe's home in June 1991 and \$400 in marked money he deposited in his checking account?

"That was a loan paid back by (defendant) David Goodhart," Carhart said. Goodhart, a former circuit judge, is charged with accepting \$150,000 from Takiff to get Sepe to fix the case.

The day's highlight occurred in the afternoon. In a closing argument before a rapt jury and a packed courtroom, Hastings told jurors that Operation Court Broom was a "sinister and reprehensible undertaking," because Davis' drug problem -- well-known by state agents -- made him "weak and vulnerable."

Davis claims he was entrapped by Takiff into accepting \$30,000 in bribes in exchange for selling confidential information and reducing a bond.

Hastings said Takiff "just kept coming" at Davis, feeding him Dom Perignon at Christy's Restaurant and trying to take him on an all-expenses-paid gambling trip to Atlantic City.

Both Hastings and co-defense lawyer Debra Rose repeatedly told jurors that Davis was not predisposed to committing a crime. Predisposition is an important element of entrapment. Jurors must believe that if Takiff had not offered \$30,000 to Davis, he never would have accepted a bribe.

Takiff offered some irresistible bait to a drug addict -- "that was money," Hastings said.

"You give me \$30,000 and show me a drug addict, and I'll show you someone who will kill his own mother for the money," he said.

Hastings argued that Davis should never have been targeted for corruption, which he called "the ultimate stain." He said the Florida Department of Law Enforcement tried to catch Davis buying drugs long before Court Broom began.

The success of Davis' defense depends largely on whether jurors' feel sorry for him. As Davis' co-defense lawyer Rose said, "Poor Judge Davis. He was weak. He was vulnerable. He was soft. He was easy."

In passionate terms, Hastings spoke about the evil nature of drugs and how they have brought down members of all sorts of professions: stock brokers, doctors, pilots, athletes, sailors.

"And yes, sometimes addicts are judges," he said.

He asked the jurors -- who he called the "buffers" -- to return not guilty verdicts. "That would be true justice," he said, borrowing the term prosecutor Lawrence LaVecchio used Monday when asking for guilty verdicts.

When Hastings concluded, several Davis supporters in the courtroom gallery applauded. At the L-shaped defense table, Davis welled up with tears. He shook Hastings' hand and thanked him.