

CRIME

JANUARY 24, 2016 5:53 PM

For South Florida feds, three strikeouts in drug importation trials

HIGHLIGHTS

Jurors swayed when suspects denied knowing packages contained drugs

Feds have won most China-import cases by striking plea deals

Defense strategy could pose challenge for future prosecutions





U.S. Customs and Border Protection officers show Molly pills that were logged into then released from evidence at their secret facility in Miami-Dade County on June 9, 2015. **Walter Michot** - MIAMI HERALD STAFF

BY DAVID OVALLE AND JAY WEAVER
dovalle@miamiherald.com

Out of work and with a baby on the way, Brian Scot Bailey agreed to help a childhood friend by receiving mail packages from China.

Bailey soon found himself in federal court, accused of conspiring to import the illegal club drug “Molly” inside parcels delivered to his South Miami home. “He reassured me and my wife and my mom that it was completely legal,” Bailey said in an interview.

Jurors sided with Bailey. He was acquitted in July – in what was the first South Florida trial for someone accused of importing synthetic drugs from China.

The next two importation trials proved equally unsuccessful for prosecutors. Earlier this month, Miami federal juries in unrelated cases acquitted two other men accused of knowingly accepting mail packages of Chinese flakka, the stimulant notorious for sparking violent rampages on South Florida streets.

ADVERTISING



The winning defense was this simple: Hey, I didn't know what was inside.

The acquittals surprised federal authorities who, through plea deals, have enjoyed overwhelming success in convicting this new generation of Miami drug dealers importing synthetic drugs from China. These recent trials are already inspiring defense teams in upcoming cases, while spurring federal agents to sharpen their investigations.

"The federal government is used to these low-level guys pleading guilty and cooperating very early. Now that's not happening and it's catching them flat-footed," said Bailey's defense lawyer, David O. Markus. "This is a classic case of the government charging way too many people. They just cast their net way too wide."

The U.S. Attorney's Office declined to comment for this story.

The former chief of that office's narcotics section, David Weinstein, said investigators must be sure to obtain surveillance evidence, cell phone records and text messages to show

these low-level conspirators know there are drugs inside the parcels.

“Jurors are absolutely expecting more from the government,” Weinstein said. “If you don’t show them everything that happened, one or two jurors will have reasonable doubt.”

After three losses in federal court, prosecutors will get a chance at redemption soon enough.

Up for trial next month: Mario Raul Melton, a Miami law student accused of accepting packages for a former U.S. soldier who ran a lucrative Molly importation operation. Like Bailey, he too will likely argue he had no idea what was in the packages delivered in May of 2014 to his grandfather’s shipping company.

His defense lawyer, Michael Rosen, wrote in one pleading that the government had virtually no evidence of “Melton’s conduct and knowledge” apart from testimony from “three or four cooperating defendants.”

Melton, 30, is the son of Eston “Dusty” Melton, a prominent Miami-Dade County lobbyist.

While cocaine, heroin and marijuana still remain priorities for South Florida law enforcement, the importation of Chinese-made synthetic drugs through the mail has become an increasing target of investigations.

These new drug dealers — many of them college students or middle-to-upper class people — purchase the drugs through Chinese websites, wiring payments to chemical labs that

in turn ship them using U.S. mail carriers. The Herald last year chronicled the trade in its Pipeline China series.

Of the dozens of prosecutions brought forth in recent years, almost all have resulted in convictions through plea deals. On Monday, eight defendants arrested along with Melton will plead guilty for their roles in a major Miami Molly importation ring run by former U.S. Army soldier Jorge Ramon Hernandez along with already convicted ex-Marine Matthew Anich. Melton is the only defendant in the group opting to go to trial.

Agents have been mostly successful securing enough evidence to earn convictions for the low-level runners who are receiving packages.

U.S. Homeland Security Investigations agents got a confession— and even a written statement — from George Monserrat, a concierge at the posh Sunny Isles Beach Aqualina Hotel and Resort, who was receiving synthetic drug packages for several Miami importers.

He pleaded guilty and agreed to complete five years of probation and 200 hours of community service.

As for Hialeah's Anthony Fernandez, he gave no confession last March when an undercover agent delivered a package of Chinese Molly to his home.

But the agents waited until he opened the package – the Molly (replaced with fake drugs) was on the kitchen counter when they entered

his home. As agents were processing the scene, another mail truck unexpectedly showed up with a package of real drugs to deliver.

Fernandez, who agents later learned had ordered over 20 packages from China through the Internet, is now doing seven years in federal prison.

“After these losses at trial, the agents in the future will be extra careful to repeat what they did in Anthony’s case – make sure the packages are open so there is no question about what is inside,” predicted Rick Hermida, his Miami defense lawyer.

In Bailey’s case, he came close to accepting a plea deal. “But I wanted to explain that I really didn’t know what I was doing,” said Bailey, 27, who now works as a valet in Orlando. “I didn’t have any criminal intent.”

At trial, prosecutors presented evidence that Bailey acted on behalf of the operation’s mastermind, David McConnell, a former Florida International University honors student who had once bailed him out of jail after a minor arrest. “I felt indebted to him,” Bailey told the Miami Herald.

Jurors heard that Bailey went with McConnell to a bank to wire money to China. His name was also used to rent a storage facility where the drugs were believed to have to been kept. Several packages of methylene – one of several chemical often sold as Molly – were sent to Bailey’s home, one addressed to “BB’s New Age Crystals and Minerals.”

But defense lawyers Markus and Margot Moss shifted the blame to McConnell, portraying their client as a naive dupe. While Bailey did not testify, the lawyers pointed out there was nothing to show he got paid and even allowed his mother to sign for one package – all evidence he believed it was legal.

“He was more Forrest Gump than Scarface,” Markus told jurors.

One juror, Charles Neuber, told the Miami Herald that he wasn’t completely sold that Bailey was oblivious to the packages’ contents. But he believed the government’s case just “had too many holes.”

“It really boiled down to there not being enough evidence,” Neuber said. “We felt the prosecution ended a little too early in the case. They were supposed to bring in a lot more.”

Prosecutors did not call McConnell, who was notoriously unstable. The defense tried calling him but he asserted his right to remain silent. McConnell is now serving 14 years in prison after pleading guilty for the Molly importation.

In Miguel Granda’s case, the mastermind of the drug operation did testify, with no better results for the government.

Granda, 24, was accused of accepting packages of flakka at his home in Southwest Miami-Dade. In October, an undercover U.S. postal inspector delivered one package from China, the flakka replaced with “sham” narcotics. He told agents he believed the

parcels shipped to his home might have contained a bomb or guns.

The star government witness was Eudoro “Sperm” Romero, who had pleaded guilty. He detailed how he ordered the packages online – and paid Granda, a known drug addict, \$250 to receive each parcel. Testifying in a black velvet suit, Romero said he told Granda the contents in the packages were “illegal” but admitted he didn’t tell him drugs were inside.

“I considered him a punk,” Romero told jurors. “I knew he wasn’t going to disappear with the box.”

But to win a conviction, prosecutors needed to prove Granda “knew the unlawful purpose” of the plan and “willfully joined in it.” They also had to prove the defendant “actually knew about the controlled substance” in the packages and “had every reason to know but deliberately closed his eyes.”

Prosecutor Maurice Johnson tried to sway jurors on this last point, saying the defendant could not rely on “deliberate ignorance” because, after all, Granda had been buying cocaine and marijuana from Romero for years.

“You know the defendant deliberately and intentionally closed his eyes to this fact,” Johnson said. “He was dealing with a drug dealer. What did he think it was going to be?”

Granda’s defense attorney, Susan Bozorgi, shot back: “Somehow you’re supposed to know that you’ve got a package from China and you know

it contains drugs.”

Jurors acquitted Granda on Jan. 14.

Just one day later, another jury quickly acquitted Jerry Lee Harris, 64, who was accused of accepting three packages containing nine kilos flakka from an undercover agent at a home in Coconut Grove.

But at his trial, no evidence was introduced that Harris ordered the flakka over the Internet from China, paid for the drugs with a wire transfer or even knew what was inside the packages, according to assistant federal public defenders Sowmya Bharathi and Bunmi Lomax.

Harris, after his arrest, told agents “he regularly receives packages from Publisher's Clearing House and believed that the parcels could be from there.”



MORE CRIME

YOU MAY LIKE

Sponsored Links by Taboola

Girls' Mary Jane Tap Shoe

payless.com

Converse Chuck Taylor All Star Leather/Corduroy Lo...

zappos.com

This May Be the Main Way People Pay Debt

Nowadays

NerdWallet

Miss Great Britain loses crown for having sex on reality show

OddChatter

COMMENTS

3 Comments

Sort by

Oldest



Add a comment...



Jorge Martinez


The Feds, in a costant battle, with savvy criminals.

[Like](#) · [Reply](#) · Jan 24, 2016 7:52pm



Johnny Tinder

Looks like they just put up instructions on how to import drugs and get away with it.

[Like](#) · [Reply](#) ·  4 · Jan 24, 2016 8:26pm



Michael G. Powell

Do you want to end this nonsense? Then make MDMA and everything else legal and available to adults in pure and graded doses. No more cartels, no more DEA, no more drug violence, and a whole lot less overdoses. Just stupid adults doing stupid things with natural consequences. Like lost jobs, broken relationships, bad health, and death.

SPONSORED CONTENT

You May Be Surprised Where You Can Find Design Inspiration

By Delta
Faucet —

When it
comes to
quality
design,
inspiration

can come from anywhere.
