

The South Florida voter-fraud case that went nowhere

HIGHLIGHTS

Four Homestead voters said two men stole their absentee ballots

The men were charged

Prosecutors' case fell apart after the voters were uncooperative at trial



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It seemed like the rare, slam-dunk case of voter fraud.

Two men stood accused of unlawfully handling four other people's mail-in ballots in the 2013 Homestead mayoral election, filling at least one of them for precisely the candidates the voter didn't want to vote for. Miami-Dade County investigators had a palm print and fingerprints, phone records, and suspicious stories from the defendants.

What they didn't count on: lack of cooperation from the voters who were victims of the purported fraud — even though the voters themselves were the ones who initially alerted authorities they had been duped.

At the first trial, the witnesses changed their original testimony. At the second, one of the witnesses testified she didn't remember the day the incident took place altogether.

And so, James Brady and Samuel Jean, the two campaign workers charged with voter fraud in 2014, didn't go to jail. Brady, 33, of Florida City, wasn't convicted: Prosecutors dropped the third-degree felony and misdemeanor charges against him in February after one of the key witnesses, voter Betty Brockington, said at his trial that "she did not remember what had happened on the day in question," according to a Miami-Dade State Attorney's Office memo closing the investigation.

"I'm glad it's over," said Brady, who says he's been focused on ministry, youth coaching and his family. "I'm not mad at anyone. I think the state did their job. I just wish it hadn't taken so long. When you have something over your head like that, it's kind of hard to focus."

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I'M GLAD IT'S OVER.

Defendant James Brady

His defense attorney, Pat Trese, said Brady was "completely vindicated" after maintaining his innocence in the face of weak evidence from prosecutors.

"The process and the state attorney's office ultimately made the correct judgment," Trese said.

Jean, 43, of Homestead, took a deal offered by prosecutors last October after Brockington and her family members changed their stories “in significant ways” at Jean’s trial, the close-out memo says. Jean pleaded no contest to two felony counts of unlawfully marking a ballot and agreed to probation, which ended last month. Under the agreement, he received a “withhold of adjudication,” which means no conviction will appear on his record. Jean also agreed to testify against Brady, though he never had to in the end.

Jean and his public defender, Henri Rauch, could not be reached for comment. Neither could Brockington, 57, or her niece, 24-year-old Robkevia Scott, who had denounced Brady and Jean in the first place.

The family’s complaint caused a furor in October 2013, a mere few weeks before Homestead elected a new mayor. Brady and Jean worked for candidate Mark Bell, who denied any involvement and was never accused of wrongdoing. At the time, his wife, Lynda Bell, was a Miami-Dade commissioner; she’s now a Republican candidate for the Florida House of Representatives. Mark Bell lost the mayoral race. The following year, Brady lost a bid for a Florida City commission seat.

According to three of the four Homestead voters — Brockington; Scott; and Brockington’s other niece, 21-year-old Taquesha Robinson (Brockington’s husband, 57-year-old Willie James Snead, didn’t speak to prosecutors) — Brady and Jean showed up at their house two days after Jean had first come by to find out if the family’s absentee ballots had arrived. Brady and Jean filled out the ballots after the family told them whom they wanted to vote for: Councilman Jimmie Williams III and Jeff Porter, who was ultimately elected mayor.

But the family didn’t watch as their ballots were marked, and they didn’t check them after they were sealed in their return envelopes. Brockington, Snead and Robinson signed the ballots, and Brady and Jean took them.

When it was Scott’s turn, she saw the ballot was marked for different candidates: Bell and council candidate Norman Hodge Jr. She snatched the ballot from the brokers and kept it as evidence she’d been defrauded. Scott complained to the Miami-Dade Commission on Ethics & Public Trust.

At first, both Brady and Jean denied touching the ballots. When Jean’s fingerprints came up on Brockington’s ballot, he admitted to prosecutors that he’d marked at least one and maybe two ballots. That’s illegal, though Jean claimed not to know.

Brady said he did know about the prohibition and claimed the ballots had been sealed when he and Jean arrived at the Brockington home. Brady’s palm print came up on Snead’s ballot. Brady said he hadn’t spoken to Jean after visiting the Brockingtons’. Phone records showed the two men

had exchanged several calls with each other and a third man, paid campaign worker Jean Batiller. Brady had changed parts of his story before. When initially confronted by the Miami Herald about the Brockington family’s accusation against him, he’d claimed to work not for Bell but for a man named “Tyrone” — whom he later denied existed.

Jean and Brady turned themselves into authorities in October 2014. Brady resigned from the position he held at the time as corresponding secretary for the Miami-Dade Republican Party. After learning of the arrests from the Herald, Brockington told a reporter at the time, “Oooh, golly. I don’t want them to do a lot of years or anything like that — I just want them to learn a lesson.”

Their arrests followed a tumultuous couple of years in Miami-Dade ballot politics. In 2013, Jeffrey Garcia, the chief of staff to then-U.S. Rep. Joe Garcia, a Miami Democrat, pleaded guilty to attempted ballot manipulation and served a 65-day jail term. That same year, two Hialeah ballot brokers known as *boleteros*, Deisy Cabrera and Sergio “*El Tío*” Robaina, pleaded no contest to illegally possessing more than two ballots in the 2012 county mayoral election and were sentenced to probation.

Like in the Homestead case, none of the candidates were charged by State Attorney Katherine Fernández Rundle, a Democrat who faces re-election in August.

In her Feb. 24 memo closing the two cases, Assistant State Attorney Isis Perez of Miami-Dade’s public corruption unit laid the blame squarely on the uncooperative witnesses for the unsuccessful Jean and Brady prosecutions. Four times, Perez wrote, the three women — Brockington, Scott and Robinson — refused to either go to the state attorney’s office to give statements or accept the transportation prosecutors provided them. They sat for depositions only after a court ordered them to do so and threatened them with holding them in contempt if they didn’t.

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THE WITNESSES MADE IT CLEAR THAT THEY DID NOT WANT TO COME FORWARD.

Prosecutor Isis Perez, in a memo

“The witnesses made it clear that they did not want to come forward and they were only at the deposition because the ‘State’ had threatened to incarcerate them,” Perez wrote. They later telephoned Brady’s attorney — which is highly unusual — and made the same claim, prompting the attorney to inform prosecutors he’d been in touch with the witnesses.

Prosecutors had decided Brady and Jean “would not be offered” pleas without jail time, Perez wrote. But after Brockington, Scott and Robinson changed their testimonies, “the State had no alternative” than to offer Jean probation.

By the time Brady’s trial rolled around, the three witnesses “refused to talk to the State for any type of pretrial preparation,” Perez wrote. Even after prosecutors read Brockington her statement in the case, she said “her memory was not refreshed.”

Prosecutors didn’t risk the same happening with Scott and Robinson. They figured Jean’s testimony against Brady wouldn’t be enough because he claimed never to have seen Brady actually filling out ballots, only with them in his hand and a pen in his hand.

“Based on the Witness’ testimony, although clearly untruthful,” Perez wrote, “the State could not proceed.”



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