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Charlotte Observer, The (NC)

December 5, 1989
Edition: 1&5
Section: METRO
Page: 2B

Topics
Index Terms:
HILTON HEAD ISLAND DRUG CRIME COURT

S.C. DRUG DEFENDANTS' TRIAL SPLIT DEFENSE ARGUMENT PROMPTS SEPARATION
Author: Associated Press

Dateline: CHARLESTON

Article Text:

One of five defendants charged in the biggest cocaine bust in state history was granted a separate trial in federal court on Monday.

U.S. District Judge Sol Blatt Jr. ruled Juan Carlos Perez should stand trial alone after attorneys argued over allowing the jury to hear a statement the defendant made after his arrest.

The five defendants are charged in connection with the seizure of 1,104 pounds of cocaine on Hilton Head Island last July and an earlier shipment of 1,069 pounds of the drug to the island in 1988.

Six people have already pleaded guilty to related charges and are awaiting sentencing.

With the jury out of the courtroom, Perez's defense attorney, Jack Swerling, argued that the statement should be admitted because his client told authorities that he was on the island to pick up a load of produce, not cocaine.

Lawyer Vincent Flynn sought to keep the statement out, however, because, he said, it was damaging to his client, Jorge Samuel Cruz. Flynn would have no way to cross-examine Perez if Perez decided not to take the stand in his own defense.

Blatt said he could find no way to resolve the conflict without separating the defendant from the case. He ordered that a separate trial for Perez should begin within

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The judge later told the jurors that Perez was no longer a defendant "for reasons with which you will not concern yourselves at all."

Cruz, 31, is from Puerto Rico, while Perez, 29, is a Cuban national.

Later, Special Agent Patrick Healey of the Drug Enforcement Administration testified that he knew Cruz nine years ago as a man who went by the name Romero Galliano.

Galliano said he was with the Medellin drug cartel in Colombia, the agent testified.

The cartel is believed to be the world's largest illegal cocaine operation and to provide 80 percent of the cocaine sold in the United States.

The agent also said Galliano asked him if he knew where he could get false passports and identification cards.

Healey said that he'd met Galliano four times and that Galliano would often change his appearance, dying his hair or wearing thick sunglasses.

With the jury out of the courtroom, Blatt blocked admission of testimony about Cruz's conviction on a cocaine charge nine years ago.

Flynn said information about such an arrest had no bearing on the current case and would unfairly bias the jury.

Also on trial are Gabriel Taboada, 34, of Barranquilla, Colombia, Flore Ivan Soto, 24, of Puerto Rico, and Peggy Nelson of Atlanta.

Memo
This article also appeared in edition 2 on page 3B
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