

# 2 customs agents guilty

FEB 8 1986

Drug arrests

BRIDGE BIRIAN  
Kathleen

airbit

A federal jury on Friday convicted two U.S. Customs Service agents on charges that they conspired to smuggle 50,000 pounds of marijuana, but two jurors tearfully repudiated their votes as the dict was being verified. Nonetheless, U.S. District Judge Peter Beer let the guilty verdicts stand, since the 12 had agreed on the verdicts before they entered the jury room. The two agents — Keith Deerman and Frank Kinney of the New Orleans customs office — were found guilty of a conspiracy

and attempting to import the drugs. They were found not guilty of two other counts against them. Charles Carmel Page, captain of a boat owned by the smugglers, was found guilty of one count of attempting to smuggle the drug. The remaining defendants, including customs agent Charles Jordan of Key Largo, Fla., and six Dominican Republic seamen, were found innocent. As the jury's verdict was read out, there were sobs from the Deerman family. As is customary, prosecutors and defense attorneys asked that the jury be polled to make sure the verdict was unanimous.

"Yes," came the answer from the first seven jurors. But when the clerk got to juror Kathleen Allen, she was crying. "No," she replied in a voice so soft most spectators thought they had heard wrong. But then another juror, Annette Trotter, also said no. A third juror, Celestine Richardson, had tears in her eyes but did not recant her vote. After a moment of shocked silence, Beer asked Allen the reason for her answer. "Because I can't deal with having someone's life in my hands," she said tearfully. "I feel he's guilty of the count, but I can't say that." Trotter agreed.

## on drug charge

Deerman's attorney, Arthur "Buddy" Lemann, immediately asked for a mistrial, but Beer let him off as he continued to question the jurors. Some jurors rolled their eyes in annoyance as Beer pressed on, but after he determined the two women had originally voted guilty, he ordered his clerk to enter the guilty verdicts. As he was about to dismiss the jury, Richardson stood up in the jury box, her voice quivering with emotion. "I feel that some people on the jury were in too big of a hurry," she said. "When we went in there, there were some people among us who did not

ever explore the possibility of the other side, and went in there with their minds made up." During the day and a half of deliberations, defense attorneys worried that the approach of Mardi Gras would put pressure on jurors to agree on a guilty verdict. Defense attorneys for Page and Kinney said they will seek a new trial. They said that in the event of a divided jury, the judge must grant a mistrial or order the jury to deliberate until there is a unanimous verdict. The 10 defendants had been charged with conspiring to smuggle the marijuana into Louisiana.

A boat laden with the drug was seized off Grand Isle last August and its crew was arrested aboard the ship. Other members of the smuggling ring were arrested in New Orleans. Deerman, Kinney and Jordan were later arrested on charges that they passed customs information to the smugglers. Of the original 27 defendants in the case, 17 pleaded guilty. The six seamen from the Dominican Republic had contended they were hired to work on the boat, but did not realize what cargo it held until the boat was at sea. They in custody at the

See CONVICTED, next page

Dario

### Convicted

From A-15 FEB 8 1986

request of the Immigration and Naturalization Service.

They are: Luis Rafael Pérez Mendez, Rafael Benvenido Placerencio, Hilario Nunez Alvarez, Antonio Diaz Cueto, Elvira Valdez Lopez and Dario de la Cruz

Brian's client

Antonio Diaz-Cueto, Hugo A. L. 2  
de Z. Carona and Daniel B. L. 2  
Verdine

United States of America vs.

# United States District Court

DEFENDANT

DARIO

EASTERN DISTRICT OF LOUISIANA

DOCKET NO. CRIMINAL 85-321

## JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR  
February 7 1986

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired have counsel appointed by the court and the defendant thereupon waived assistance of counsel.  
 WITH COUNSEL Brian Berson, Esq.  
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,  NOLO CONTENDERE,

FINDING & JUDGMENT

There being a finding/verdict of  NOT GUILTY. Defendant is discharged.  
 GUILTY.  
Defendant has been convicted as charged of the offense(s) of

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
FILED  
FEB 12 1986  
LORETTA G. WHITE  
CLERK

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

DATE OF ENTRY FEB 25 1986

SIGNED BY

*[Signature]*