

Miami Herald, The (FL)

May 27, 2004

Edition: Final
Section: Metro & State
Page: 1B

EX-MAYOR ACQUITTED IN CAMPAIGN FINANCE CASE

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A jury declared former South Miami **Mayor** Horace Feliu not guilty Wednesday on charges he accepted an illegal campaign contribution from a city vendor - charges he believes ruined his bid for reelection.

Feliu was arrested outside South Miami City Hall Feb. 9, election eve. The next day, Mary Scott Russell unseated him with 53 percent of the vote.

One juror said the panel acquitted Feliu because she and other jurors believed the case was tainted, calling the arrest a ``setup." She and another juror spoke on the condition they not be identified.

``This is justice," Feliu said. ``The jury had the opportunity to weigh all the evidence, not just the evidence leaked to the media."

Feliu claimed the charges were politically motivated. He said he intends to file a complaint with the U.S. attorney's office next week, accusing state prosecutors of tampering with the city's mayoral contest.

``I have no doubt my arrest changed the course of the election," Feliu said. ``I was winning the election as of Friday with early voting. And that didn't sit well with some people in the state attorney's office."

Miami-Dade County State Attorney Katherine Fernández Rundle declined to comment through a spokesman. Her office filed charges against Feliu following his arrest, but prosecutors from Orange County took over the case from there.

A \$1,300 CHECK

The arrest followed an undercover sting operation involving the city's parking meter operator, who secretly recorded meetings with Feliu in cooperation with the state attorney's office.

The vendor, Ronald Stroyne, offered to help Feliu with his campaign and wrote him a \$1,300 check, leaving the ``payee" line blank at the **mayor's** request, according to the recordings. That meeting took place in Feliu's City Hall office.

Feliu later claimed he intended to deliver the check to local Democratic Party officials.

Feliu was charged with three misdemeanor counts for accepting a campaign contribution in excess of the \$500 state limit; for accepting a contribution in a public facility; and for accepting a contribution within five days of an election. He was only tried on the first two counts.

VINDICATED

The six-member jury returned a verdict an hour and a half after closing arguments, vindicating Feliu, who spent the night before the election in Miami-Dade County Jail and claims the scandal cost him precious votes at the polls.

Family members and supporters, some of whom sobbed as the verdict was read, thanked jurors as they exited the courtroom.

Two jurors told The Herald they felt the case reeked of politics because of the timing of Feliu's arrest, noting the **mayor** had made enemies within the city's police ranks by eliminating perks such as take-home cars.

The jurors added authorities should have waited to see what Feliu did with the check before filing charges. They noted the prosecution's chief witness, Harvey Wasserman, testified the check was technically worthless since the payee line was left blank.

`COMMON SENSE'

Assistant State Attorney Robin Wilkinson addressed that point during her closing arguments, but was unable to convince jurors of a crime.

``A check that is signed, that has an amount on it - that is worth something," she said, arguing Feliu could have made the check payable to himself or to ``cash" by filling it out. ``Use your common sense."

Wilkinson described Feliu as a rogue politician who sought to skirt campaign finance rules and used his power to ``strong-arm" funds from city contractors.

Wilkinson cited evidence upholding the theory that the Miami-Dade Democratic Party's executive committee was illegally earmarking funds from South Miami business interests for Feliu's campaign. State law doesn't allow contributors to tell the party which candidates to support.

This included a recorded statement by Feliu that 90 percent of the funds would be returned to his campaign after the party took 10 percent ``off the top." He made the statement to Wasserman, the lead investigator, after his arrest.

``Mr. Feliu wants you to believe he's found a way around this - that he can just funnel his money into the Miami-Dade Democratic Party and they can just funnel it back," Wilkinson said.

NO MONETARY VALUE

Feliu's defense attorney, Bruce **Lehr**, countered that any such scheme involving party funds was irrelevant to the case. He said the party did pay for some of Feliu's campaign expenses, but argued all such support was legal.

Lehr said authorities acted prematurely by arresting Feliu before he could dispose of the check he took from Stroyne. He stressed that the check, as tendered, had no monetary value.

``The state wants you to fill in the blanks," **Lehr** said.

`` But you're jurors. You don't fill in the blanks. It's the state's job to do that. And the blanks in this case are too large."

Caption:

CHUCK FADELY/HERALD STAFF NOT GUILTY: Ex-South Miami **Mayor** Horace Feliu, center, celebrates with defense attorney Bruce **Lehr** after a jury found Feliu not guilty of taking an illegal campaign contribution.

Color photo: Horace Feliu and Bruce **Lehr** (2a)

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Record Number: 0406020195