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Federal courts

Snitch-killer's girlfriend released from prison after 13 years



Yuby Ramirez immediately after leaving the jail after 13 years with her legal team, David Markus and Robin Kaplan

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A couple of days after a federal witness was executed by a Colombian hit team, Yuby Ramirez was making a meal in her Kendall townhouse for the crew's boss, who went by the name Tocayo.

As they watched the news of the 1993 killing of Bernardo Gonzalez Jr. — gunned down outside his rural West Miami-Dade home — she noticed Tocayo smiling as the TV flashed images of accused Miami drug lords Sal Magluta and Willy Falcon in orange jumpsuits.

Ramirez did not know the men pictured in the prison uniforms — the infamous Miami Senior High School dropouts charged with smuggling 75 tons of cocaine into the country — or their

connection to the murder victim.

Tocayo told her that the duo “now had to pay the office” for the death of Gonzalez, who had cut a deal with the feds to testify against the two at their drug-trafficking trial. “Snitches end up dying by squashing,” Tocayo told Ramirez in Spanish. “Flies don’t come into a closed mouth.”

Ramirez, then 22, never saw her short-term boyfriend again after that June afternoon, but Tocayo, who vanished to Colombia, haunts her to this day.

Ramirez wound up being sentenced to life in prison for her bit part in Gonzalez’s murder, directed by Tocayo, a killer of snitches for the Cali cartel back in the 1980s and ’90s, when Miami was a much bloodier place. But in something of a “legal miracle,” as Ramirez described it, she was released from prison last May and from immigration custody in late February — lucky to be spared deportation to her native Colombia after 13 years behind bars.

“I’m enjoying every minute of my life, everything that I’ve been kept from, especially my daughters,” Ramirez, 41, told The Miami Herald, as she held her 22-year-old daughter Yuly’s hand during an interview last week. She also has a 24-year-old daughter, Yury. After her arrest in 2000, they were raised by her ex-husband in Miami.

Ramirez won her freedom after showing that her original defense attorneys messed up when they advised her to reject a five-year plea offer from Miami prosecutors before her 2001 trial. Her federal public defenders later admitted they had never advised her that, if convicted of Gonzalez’s murder, she faced life in prison.

In fact, U.S. District Judge Joan Lenard found that her lawyers gave her such bad advice that her sentence should be thrown out and prosecutors gave her a new plea deal for time served.

Ramirez’s Miami appellate attorney, David O. Markus, who took her case at no charge, wrote in a court pleading in 2004: “The mistakes that her lawyers made in this case cost Ms. Ramirez her life.” Getting her freed involved a decade-long legal odyssey.

“David kept telling me that he was going to fight until the end,” said Ramirez. “He would always say, ‘Hang in there. Keep your hopes up.’ ”

Markus, who was assisted by lawyer Robin Kaplan, called Ramirez’s long-shot victory a “once in a lifetime case.” But after her release from federal prison in Tallahassee, Ramirez was still held in immigration custody as she faced the bleak prospect of deportation to her native Colombia because she was not a U.S. citizen.

Enter Miami criminal-immigration lawyer Regina De Moraes, who also took on her case at no charge. She persuaded an immigration judge in an asylum petition to block Ramirez’s deportation — another rare victory.

Last month, Judge John Opaciuch found that Ramirez could be targeted for death by a drug cartel

in Colombia because she would be viewed there as a “snitch” who cooperated with the U.S. government — even though she never assisted Miami prosecutors in any way. The judge also found that the Colombian government would “turn a blind eye” if she were sent back.

A key witness for Ramirez: Pat Diaz, a retired Miami-Dade homicide detective who worked with the FBI in the Gonzalez investigation and other Magluta-Falcon contract hits.

Diaz said he testified on Ramirez’s behalf in the immigration case because “she served her time.” More important, he said the cartels, which keep tabs on deported traffickers by paying off corrupt Colombian officials, would kill her if she returned.

“Bottom line: If they sent her back to Colombia, she’d be dead,” Diaz, now a private investigator with his own agency, said in an interview.

At her immigration hearing, Ramirez’s lawyer compared her likely fate to that of Griselda Blanco, dubbed the “godmother” of the Medellin cartel. Blanco, a notorious figure in the “cocaine cowboy” wars that plagued Miami in the late 1970s and early ’80s, served 20 years in prison. She was assassinated by two gunmen on a motorcycle last year after being deported to Colombia.

Alejandro Bernal, an ex-Medellin drug lord who served a 10-year sentence after testifying against one-time kingpin Fabio Ochoa at his trial, met a similar fate. He was assassinated in an apparent vendetta killing last year, too.

“Both people ... serve as proof of the likelihood that [Ramirez] will also be killed in Colombia by drug traffickers because she will be perceived as a snitch,” Opaciuch, the immigration judge, noted in his ruling.

Also significant: The judge noted that in her immigration case, Ramirez, though “credible,” was inconsistent in her testimony because she admitted playing a greater role in the Gonzalez murder plot than she acknowledged in her federal appeal. In the federal case, Ramirez testified in February of last year “she did not know that she was helping to plan anyone’s murder, but when she testified [in December] at immigration court she stated that she had helped people plan the murder,” Opaciuch wrote.

Ramirez, unlike Blanco and Bernal, had no history in the Colombian-South Florida drug trade, according to evidence in her criminal and immigration cases.

As a young girl, Ramírez left Colombia to live with her father in New York. She married as a teenager and moved with her husband to South Florida to start their own family.

But the marriage didn’t last, and she struggled at odd jobs to support herself and her two young daughters.

By her own admission, the single mother became a “party girl” in her early 20s. And in 1992,

Ramirez met a man at a local nightclub who would lead her into the underworld of the deadly Colombian-Miami cocaine business. His name: Phanor Caicedo Ramos.

He and his brother, Juan Carlos Caicedo Ramos — along with their boss, Tocayo — were recruited by Magluta and Falcon to kill former associates who were going to testify against them, according to the U.S. attorney's office.

Ramirez's role: She shared her home with Tocayo and became romantically involved with him, while he paid the rent.

Looking back, Ramirez said she was naive, stupid and reckless, saying that she thought Tocayo was working in the auto parts business. She said he kept his real job — collecting drug debts and killing snitches — secret.

But his behavior grew suspicious. "There were certain things that I started to notice, and I realized the situation was serious," she said.

One of Tocayo's targets was Bernardo Gonzalez, who ran the Bahamas-Miami drug operation for Magluta and Falcon. They used Miami Vice-style powerboats to haul the cocaine loads to South Florida. Gonzalez pleaded guilty to drug and tax charges in 1991 and agreed to cooperate with authorities.

Ramirez said Tocayo had told her that he needed to find Gonzalez because he owed him money. "He didn't say he was going to kill him," Ramirez told The Herald.

Before Gonzalez could testify against "The Boys" — Magluta and Falcon's collective nickname — he was gunned down at his West Miami-Dade home on June 22, 1993. His brother Humberto was also killed.

Meanwhile, Miami prosecutors were preparing for their high-profile drug-smuggling case against Falcon and Magluta — a trial that would end with an improbable loss. Prosecutors soon learned, however, that the duo had bribed a handful of jurors to help rig their 1996 trial.

Prosecutors regrouped and started targeting the pair again, as well as more than 40 of their associates, including Ramirez. She and others, including Tocayo, whose real name was Griseldino Caravajal, were charged in 2000 with the witness-tampering murder of Gonzalez.

Before her 2001 trial, prosecutors offered a plea deal for five years in prison because they said she had a "lower-level" role in the witness hit.

Her lawyers, then-assistant federal public defenders Reuben Camper Cahn and Mary Barzee, advised her to reject it because they believed that even if she were convicted, Ramirez would have faced three to 10 years' imprisonment. The reason: The attorneys believed the murder charge was flawed without any allegation of premeditation, and the statute of limitations had expired.

But Judge Lenard disagreed.

Later that fall, a federal jury found Ramirez guilty of the Gonzalez murder. The jury also convicted Jairo Castro, a valet at a Hialeah disco, of the killings of Gonzalez and another government witness, Luis Escobedo.

Eduardo Lezcano, Magluta's brother-in-law, was also found guilty of those murders and the killing of another federal witness, Juan Acosta.

"They're all in it together," Assistant U.S. Attorney Allan Kaiser, who worked with prosecutors Pat Sullivan and Michael Davis on the case, said during closing arguments of their trial. "They don't have to have their finger on the trigger to be held liable."

To help make their case, prosecutors struck controversial cooperation deals with the Caicedo Ramos brothers, who admitted receiving \$120,000 apiece for organizing the hit on Gonzalez.

The brothers, placed in the witness protection program, pleaded guilty to soliciting to commit murder and were sentenced to 20 years each. Their sentences were later reduced to six years for their cooperation.

Both brothers testified that Lezcano gave them the names and addresses of the three targeted government witnesses who were killed.

The brothers said Ramirez provided housing for them and their boss, Tocayo, in the Kendall townhouse where they stored the gun used in the Gonzalez murder. She was not directly involved in the hit, however.

Phanor Caicedos Ramos also said that Tocayo had told him that Ramirez volunteered to kill Gonzalez — an accusation she now says was absurd, adding that she doesn't even know how to use a gun.

"I did my part and I helped them out," Ramirez said. "I know I was wrong and I paid my price."

Juan Carlos Caicedo Ramos said he threw the Gonzalez murder weapon — a 9mm Norinko semiautomatic pistol — into the lake behind the Kendall townhouse.

Diaz, the retired Miami-Dade homicide detective, found the gun in the lake. Police matched the barrel with the shell casings found at the Gonzalez murder scene.

For their part, Magluta, 58, was eventually convicted at trial, and Falcon, 57, pleaded guilty on drug-related charges. Magluta is serving a 195-year prison sentence, Falcon 20 years.

Ramirez, ironically, said she had no clue about Miami's biggest drug smugglers until after Gonzalez's murder.

“I had never heard of them,” she said. “I never knew them at all.”

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