

## Miami woman serving life sentence for drug hit seeks freedom

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Yuby Ramirez

Yuby Ramirez, a Miami mother imprisoned for life for her part in a plot to kill a government witness during the cocaine-cowboys era, seemed to generate some sympathy Wednesday from federal appeals judges hearing her bid for freedom.

The three-judge panel agreed that a decade ago her trial attorneys were “deficient” because they gave her bad advice to turn down a sweet five-year plea offer from Miami federal prosecutors.

Ramirez, 40, was convicted of witness tampering and sent to prison for life. Her appeals have been rebuffed by U.S. District Judge Joan Lenard, who presided over her 2001 Miami trial.

What remains to be seen is whether the 11th U.S. Circuit Court of Appeals panel will conclude that Ramirez’s attorneys made a crucial mistake that cost the woman her freedom and necessitates throwing out her life sentence.

Ramirez’s sentence is by far the most controversial of more than 50 meted out for drug-related convictions in the network of

Miami’s legendary cocaine smugglers, Willie Falcon and Sal Magluta, who are respectively serving 20 years and 195 years in prison.

The Colombian hit men who killed their associate, Bernardo Gonzalez, in 1993 to prevent him from testifying against them ultimately received six years in prison. The assassins, paid \$120,000 apiece, testified against Ramirez and others.

Ramirez participated in the murder plot by allowing the hit-team members to stay with her, storing their weapons at her Kendall town house and providing the getaway car on the day of the murder, according to trial evidence.

During Wednesday's hearing, one appellate judge who has reviewed Ramirez's appeal three times wondered aloud what would happen if the 11th Circuit vacated her life sentence and sent the case back to District Court for a potential 10-year manslaughter deal.

"If it goes back, the government could say 'no plea,'" Appellate Judge Charles Wilson said.

"I don't think they could," responded Ramirez's appellate lawyer, David O. Markus.

"Yuby Ramirez is serving a life sentence," Markus said. "It's longer than any other person [in this case], longer than the hit men, longer than Willie Falcon and Sal Magluta.

"Her lawyers made a mistake," he added. "The reason we have habeas corpus is to fix an injustice."

Last year, after the 11th Circuit ordered Lenard to hold an evidentiary hearing on Ramirez's habeas petition, the judge concluded she still deserved the life sentence. Lenard rejected the woman's petition asserting that her lawyers, two former Miami federal public defenders, provided "ineffective assistance of counsel" in violation of the Constitution.

Lenard found that Ramirez's claim rang hollow because she and her attorneys were aware of the potential for a life sentence before and during the trial.

Assistant U.S. Attorney Michael Davis, who was on the original prosecution team, argued Wednesday that Lenard rejected Ramirez's claim because she found the defendant and her attorneys were "not credible."

The judge concluded that Ramirez and her attorneys always thought she was innocent and would be acquitted at trial, explaining they did not seek a plea deal even after Lenard rejected their move to dismiss the witness-tampering charge at trial, Davis said.

"That fact is absolutely devastating to the argument that she would have pleaded guilty had she known she faced life imprisonment," he said.

The prosecutor further pointed out that Ramirez always maintained her innocence throughout the appeals, saying she didn't know the Colombian hit men were going to kill anyone, Davis said.

"She professed her innocence consistently through the course of this case," Davis said.

But one appellate judge, Jane Restani, said Ramirez's consistent claim of innocence made sense: "The facts of the case made it logical that she would approach it that way."

Ramirez was convicted with two others in the 1993 contract hit on Gonzalez, the associate of Falcon and Magluta.

At her habeas hearing in 2009, Ramirez testified that her lawyers never told her she would face a life sentence when they advised her not to accept the U.S. government's pre-trial plea offer. Had she known she could be spending the rest of her life in prison, she said, she would have taken the deal.

Ramirez, a mother of two grown daughters in Miami, is serving her life sentence at a Tallahassee federal prison.