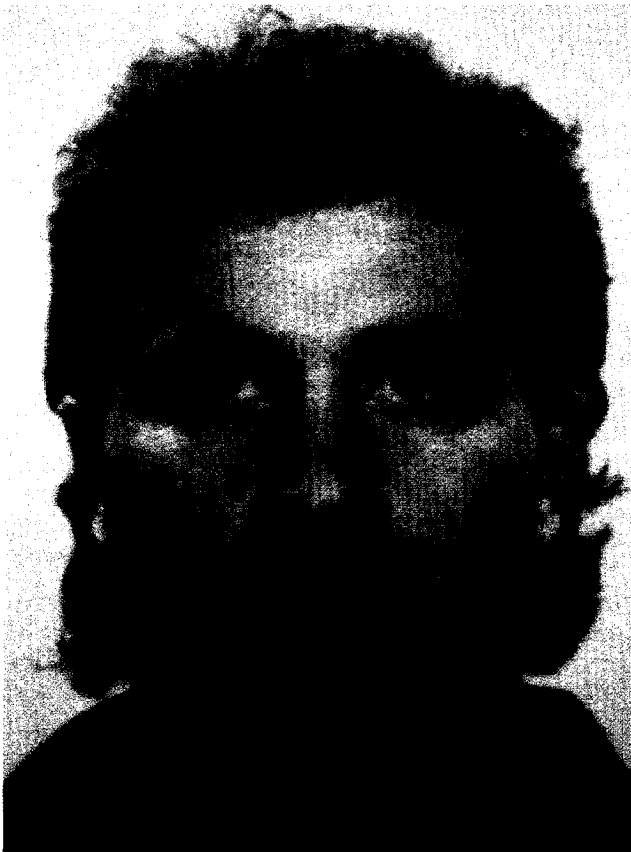


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Miami woman convicted in notorious murder-for-hire plot gets new hearing

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FBI / AP file photo

Miami cocaine kingpin Willie Falcon

A Miami woman convicted 10 years ago for her role in a notorious murder-for-hire scheme has won another round in her fight to have her life sentence reduced because she received poor legal advice from her trial lawyers.

The 11th U.S. Circuit Court of Appeals on Friday ordered a new hearing to determine if Yuby Ramirez rejected two plea offers from prosecutors before her 2001 trial because her lawyers gave her misleading advice. At issue: how much prison time she faced if convicted for aiding a plot to kill a government witness against an infamous South Florida cocaine ring.

The witness, Bernardo Gonzalez, was shot and killed in his driveway in 1993 by two hit men hired to prevent Gonzalez from testifying against legendary cocaine smugglers Willie Falcon and Sal Magluta. The two killers, who received \$120,000 apiece, also killed Gonzalez's brother.

Ramirez, now 40, was ultimately convicted of witness tampering for allowing the hit men to stay at her Kendall home, and providing them with a getaway car and a place to store their weapons. She is serving her sentence in a prison outside Tallahassee.

Before her trial, Ramirez received two offers to plead guilty in exchange for a reduced sentence of five to 10 years in prison. But Ramirez rejected both offers on the advice of her trial lawyers, who believed that Ramirez could face no more than a 10-year sentence because of errors in her indictment.

However, the lawyers were wrong, and Ramirez was sentenced to life. The two hit men, meanwhile, each received six-year sentences after agreeing to testify against Falcon and Magluta — and Ramirez.

In a previous ruling, the appeals court determined that Ramirez's lawyers were "deficient" in their handling of her case. The appeals court concluded that "Ramirez's counsel did not advise her of the possibility of a life sentence upon her conviction, and Ramirez's counsel misled her into thinking she faced a maximum sentence of ten years."

Last week, the appeals court ordered a new hearing to determine whether Ramirez's trial lawyers would have advised her to plead guilty had they understood that she faced life in prison, and whether Ramirez would have accepted a deal in the face of a life sentence.

It was the third time the appeals court had sided with Ramirez in her 7-year-old bid to reduce her sentence.

Ramirez's current lawyer, David O. Markus, said her original lawyers have given sworn statements saying they should have advised Ramirez of the potential consequences of going to trial, and that they should have advised her to take the deal.

"She testified that she would have taken the deal" if the lawyers had recommended it, Markus said.

Two years ago, Miami U.S. District Judge Joan A. Lenard rejected Ramirez's arguments and concluded that Ramirez would have rejected the plea offers no matter what, noting that Ramirez has long maintained her innocence.

Lenard — who presided over Ramirez's original trial — also concluded that Ramirez's lawyers were convinced that the prosecution's case against Ramirez was "thin," and found that the lawyers would have discouraged her from taking the plea deal no matter how long a sentence Ramirez faced if convicted because they were convinced she would be acquitted.

"The record also demonstrates a consistent unwillingness on the part of the defense to negotiate or accept a plea offer," the judge wrote in a Dec. 17, 2009, ruling.

But the appeals court said Lenard was wrong to conclude that Ramirez would not have pleaded guilty to anything because she has continued to claim her innocence. "Defendants must claim innocence right up to the point of accepting a guilty plea or they would lose their ability to make any deal with the government," the court said in its latest ruling.

Now, the appeals court said, Lenard must hold a hearing to address only two issues: whether the trial lawyers would have advised Ramirez to plead guilty had they understood that she faced life in prison, and if Ramirez would have accepted the deal.