

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY
CRIMINAL DIVISION
CASE NO. 86-030610**

STATE OF FLORIDA

v.

KRISHNA MAHARAJ
_____)

**DEFENDANT’S SUPPLEMENT TO AND FURTHER SUPPORT FOR RULE 3.850
MOTION FOR POST-CONVICTION RELIEF
APPENDING RELEVANT EVIDENTIARY PROFFER**

Krishna Maharaj files this *Supplement to and Further Support for Rule 3.850 Motion for Post-Conviction Relief Appending Relevant Evidentiary Proffer*.¹

**I. VARIOUS PEOPLE WITH NO MOTIVE TO ASSIST KRIS MAHARAJ HAVE
STATED THAT THEY KNOW HE IS INNOCENT**

Various people - who have no motive to assist Kris Maharaj, no motive to lie on his behalf, and every reason to know the truth - have stated unequivocally and in detail that he is innocent. These statements and witnesses confirm what Mr. Maharaj has been professing since this case began – he is actually, factually, and legally innocent of the murders.

- One former Colombian drug cartel member has stated that “he was troubled when he learned that Krishna Maharaj had originally been sentenced to death, and was still serving time for a crime that he did not commit.... He confirmed absolutely and categorically that

¹ For ease of the court and counsel, this pleading is intended to highlight the precise materials that have come to light recently, enhancing and augmenting all the earlier ‘newly discovered’ material detailed in earlier submissions, as well as to provide one central location for the court to review for specific evidentiary submissions. All of this should be read in conjunction with Mr. Maharaj’s prior pleadings. None of this could have been discovered with due diligence by the defense prior to this time. Indeed, it is something of a miracle that defense investigation has (at considerable jeopardy to those investigating) uncovered this evidence even now. Furthermore, there is clearly a need for evidentiary development, and this proffer is made from an abundance

Krishna Maharaj had nothing to do with the murders.” *Exhibit X at ¶ 31, 35 (McDaniel)*; *see also Exhibit J*.

- Another former Colombian drug cartel member confirmed that “Krishna Maharaj was not involved in the murders of the Moo Youngs, and that they had to be eliminated because they had lost Colombian drug money.” *Exhibit X at ¶ 26 (McDaniel)*.
- A third former Colombian drug cartel member confirmed that the Moo Young murders were committed at the behest of Pablo Escobar. *Exhibit X at ¶ 20, 21 (McDaniel)*.

This alone could be considered sufficient to determine that Mr. Maharaj – soon to be 75 years old, who has already served 27 years in prison – has been the victim of a gross miscarriage of justice and should have an evidentiary hearing to prove it.² But there is much more evidence than this.

II. THE MOO YOUNGS WERE LAUNDERING MONEY FOR THE COLOMBIAN CARTELS. THIS IS WHAT PRECIPITATED THEIR MURDERS.

Previously, the courts dismissed the notion that the Moo Youngs were involved in narcotics as ‘speculation.’ Yet, even 15 years ago there was no other explanation for the treasure trove of documents that were held in the Moo Young briefcase but denied to Mr. Maharaj for trial preparation, and the additional materials provided in 1995 by William Penn Life Insurance Company. Back then, a reasonable person would have asked what other explanation there was for:

- The fact that they were offering hundreds of millions of dollars in loans around the Caribbean.

of caution to demonstrate clearly the need for a hearing should the State of Florida not see fit to confess error.

- Their effort to obtain \$100 million in gems and \$5 billion in Yen bonds for what could only be laundering purposes.
- Their negotiation to buy a bank in Manuel Noriega's Panama for \$600 million, given that more than half the Panamanian banks were then owned by the Colombian cartels.

However, there is now direct proof of the Moo Youngs' involvement in narcotics, linking them to all the major drug traffickers who actually conspired to kill them:

- One person associated with the cartels has stated that, in June or July 1986, Pablo Escobar himself said that, thanks to the Moo Youngs, "he was losing money faster than he could make it" and therefore ordered the Moo Young murders. *Exhibit X at ¶ 21 (McDaniel)*.
- Another former cartel member confirmed that "Krishna Maharaj was not involved in the murders of the Moo Youngs, and that they had to be eliminated because they had lost Colombian drug money." *Exhibit X at ¶ 26 (McDaniel)*.
- Another former cartel member confirmed that the murders were committed at the behest of Pablo Escobar. *Exhibit X at ¶ 20, 21 (McDaniel)*.
- The Moo Youngs' main money laundering front, *Cargil International (Bahamas)*, was registered at the office of convicted cartel member F. Nigel Bowe. See *Exhibit N*.

² This comes on top of all the other material previously submitted, including Kris Maharaj's consistent insistence on his innocence, and the lie detector test before his trial that indicated his honesty in making this claim.

- The Moo Youngs had a history of involvement in drug dealing going back to their time in Jamaica with the Jadusingh family, their neighbors and close business associates.³ See *Exhibit V* (appeal of Astill Jadusingh's conviction stemming from a 1986 indictment).

While it should never be the task of the defendant to prove the motives of the real killers, it now seems abundantly clear why the Moo Youngs were killed: they lost or stole large amounts of money that Pablo Escobar believed to be his, in addition to skimming money off the top of their laundering schemes in an effort to make up for their other losses.⁴

III. WE NOW KNOW THAT THESE MURDERS WERE COMMITTED BY THE COLOMBIAN DRUG CARTELS AT THE INSTIGATION OF DRUG TRAFFICKING KINGPIN AND NARCO-TERRORIST PABLO ESCOBAR.

It should never be the task of the person accused to prove who did the crime and how.

Nevertheless, this is something Mr Maharaj is now in a position to do. He can name at least three of the Colombian conspirators primarily responsible for the murder (Jaime Vallejo Mejia, El Chino, and Cuchilla) and he can show that the most notorious of all cartel members, Pablo Escobar, was behind the crime.

A. THE MURDERS WERE ORDERED BY PABLO ESCOBAR.

³ This is confirmed by a number of people in Jamaica, and there is also documentary evidence. For example, Paul Moo Young testified in his William Penn deposition that Kingston General Agencies was a Moo Young Company in Jamaica. (103464). Kingston General Agencies employed Astill Jadusingh as early as 1983, according to his loan application verification to Margaretten Mortgage Company. This verification was signed by "Shernette Scott," the family nanny used on so many of the Moo Young's fraudulent company documents.

⁴ Back in 1997, Mr Maharaj was not permitted the funds to prove at a hearing what a pro bono forensic accountant from *Ernst and Young* said to be the case: that the documents reflected money laundering where the Moo Youngs were skimming one percent from their loans. Counsel for William Penn in the Moo Young life insurance litigation has now allowed access to even more material that was not available to Mr Maharaj before. A full forensic accounting analysis of all the Moo Young documents is in the process of being completed and this will be presented to underline in great detail what should be obvious to everyone at this point.

For anyone who knows about the 1980s in Miami, it should not come as a total surprise that Pablo Escobar was behind these murders. Indeed, to deny it at this point would seem to grant Escobar two more free bites at murder – which given how much he got away with in Colombia, would not reflect well on the U.S. criminal justice system. As noted above, various witnesses have revealed that Escobar ordered these murders. This fits in with the other evidence developed that demonstrates a strong Colombian connection on the part of the Moo Youngs. Jaime Vallejo Mejia, staying in Room 1214 across the hall from where the Moo Youngs were killed, was a long term money launderer who was frequently in Miami, operating out of his base at the Dupont Plaza; *El Chino* was a known cartel assassin; and *Cuchilla* was an Escobar man who had made a big name for himself by coordinating the murder of federal informant Barry Seal in Baton Rouge, Louisiana. All the others associated with Room 1215 – Neville Butler, Eddie Dames, and Adam Hosein – as well as others linked to them (F. Nigel Bowe *et alia*) and the Moo Youngs themselves are now known to have been narcotics trade operatives associated with the Colombians. We know from the documents in the Moo Young briefcase that they were peddling false letters of credit and skimming money off the cartel funds. How improbable would it be, then, if the Moo Young murders had nothing to do with their criminal activities?

Apparently what happened was that the Moo Youngs had lost some money that Escobar viewed as his own. As he told another cartel person in June or July 1986, he felt that \$was losing money faster than he could make it. *Exhibit X at ¶ 21 (McDaniel)*. It had to stop. The Moo Youngs were invited to the meeting at the Dupont Plaza on Wednesday, October 15th, 1986, whereupon they promised to make good, and apparently provided the Colombians with a letter of credit.⁵ However, the Colombians apparently checked the letter of credit out and determined that

⁵ This makes sense of various things that were previously known. For example, Kris Maharaj had been told to come to a meeting with ‘Eddie Dames’ on October 15, but when he got there that

it was false – like the other ones found in the Moo Young briefcase. This was the kiss of death for the unfortunate Moo Youngs when they appeared for the second meeting the next day, for by this point, Escobar had ordered that they should be eliminated. Typically for the cartels, they wanted to recoup whatever money they could, so they had demanded that the Moo Youngs bring any and all money in their possession, likely on the false promise that this could buy them time. This, of course, is consistent with Neville Butler’s insistence to Dames and Ellis that “there was money all over the place.” *Exhibit O, at ¶20.*

B. THE MONEY MAN INVOLVED IN THE CASE WAS JAIME VALLEJO MEJIA.

Back at the time of the first Rule 3.850 submission in 1997 – and surely even on October 16, 1986 – it must have appeared significant that there was only one other room occupied on the 12th Floor of the Dupont Plaza,⁶ Room 1214, and that was registered to a man from Pereira, Colombia, who claimed to be running two companies - All Leather Import & Export Inc. and American Protectors Life Insurance Company.⁷ However, at the time of trial, the defense had no way to show that Jaime Vallejo Mejia (‘JVM’) was involved in narcotics, and it was denigrated as mere speculation by the government in appeal proceedings.

morning Neville Butler said Dames had missed his flight and was coming the next day. Apparently this was the day of the first meeting between the Colombians and the Moo Youngs. Only the second day did the actual homicides go down. It also perhaps explains the false letters of credit that were found with the Moo Youngs – samples or trial runs of what they had tried to pass off to the cartels to cover themselves.

⁶ This was known at the time of trial, *Maharaj Record No. 044_105542-554* at 553 (initial sworn statement of Inez Vargas to John Buhrmaster, March 3, 1987), though its significance was not. Detective Buhrmaster asked both Arlene Rivera (another maid) and Vargas whether anyone paid them to make sure that nobody else took rooms on the twelfth floor, based on information he had apparently received. The original source of this information has never been turned over to the defense, but it would clearly be very helpful, as it would explain that whoever chose to rent Room 1215 wanted nobody snooping around – except for Jaime Vallejo Mejia, who was in Room 1214.

⁷ These were such typical businesses for money-laundering that the DEA actually used a leather import company for a front itself. In the early 1980s that the DEA set up a sting operation using a

It is speculation no more. Indeed, the government had ready access to JVM's narcotics history even at the time of the original trial – something that would prove next to impossible for the defense for decades. In 1987, JVM was arrested in Miami for his involvement in money laundering. See *Exhibits A & B*. Since he was already under indictment by September 3, 1987 (before Mr Maharaj's trial) and all the incidents involved money transfers in 1985 (before the October 16, 1986, murders), it is abundantly clear the government knew all about this and should have disclosed it 27 years ago, in time for Mr Maharaj to benefit from it at trial.⁸

But since the indictment was lodged in Oklahoma, there was no way that the defense could reasonably be expected to find this information out. The indictment against JVM is very telling. See *Exhibit B*. JVM would provide the money to one Fernandez-Diaz who would deliver it to the Venezuelan, Ocando-Paz. He, in turn, would give it to Anthony Gekakis, a pilot who would fly the cash on a Lear Jet to Switzerland, with whomever happened to be riding along. Once there, it would be deposited into cartel accounts by lawyer Raymond C. Porter and James R. Schuler, who purported to be working through *Trans Atlantic Energy A.G.* – which might more accurately have been styled *Trans Atlantic Money Laundry A.G.*

Javier Ocando-Paz was a former Venezuelan Air force officer who became notorious for his involvement with the Colombian cartels.⁹ He ended up dying in particularly unpleasant circumstances in a Venezuelan prison. Though he and JVM faced federal trial in Oklahoma, most of the relevant narcotics transactions took place in Miami or Fort Lauderdale – there were

phony company called *Green Ice*, importing leather goods. See Jeffrey Robinson, *The Laundrymen: Inside the World's Third Largest Business*, at 250 (Simon & Schuster, 1994).

⁸ Indeed, JVM was being investigated as part of Operation Greenback and its successors. *Exhibit X at ¶ 54 (McDaniel)*. This had been going on since 1979, so presumably the investigation into JVM could have been longer lived. Given his profile, he must have been fairly obvious to any investigator who was looking into this kind of laundering.

known South Florida phone calls or meetings involving the co-conspirators on at least four occasions between May and August 1985, where millions of dollars were sent for laundering. On each and every occasion, JVM “was the source of these funds and had full knowledge of the scheme to transport the money from the United States to Switzerland.” See *Exhibit A, at 2-4*.

Perhaps more extraordinary still, all of this was readily made known to the Florida Department of Business Regulation, Division of Alcoholic Beverages and Tobacco, when JVM tried to set up a liquor business as another money laundering front. See *Exhibit C*. Captain T.P. Wheeler, based in Miami, advised his superior officer at the Bureau of Licensing that JVM had been arrested on December 8, 1987, by DEA Special Agent Kimberly Abernathy as well as two other federal agents on the outstanding warrant. Special Agent Abernathy readily shared with the Florida agents that JVM had allegedly “hand carried more than \$40 million to Switzerland for deposit to Swiss bank accounts on behalf of columbian [sic] drug smugglers.” *Exhibit C, at 9*. The Florida ABT records are a treasure trove of information, reflecting just one bank account for JVM’s business that oscillated between \$120,848.30 and \$524,529.00. *Id. at 16*. All this, for a leather business that did not make any money at all. It was obviously some – but only a tiny amount – of the narcotics money that JVM was handling for the cartels.

Once JVM’s criminal record was known to Mr. Maharaj, it was still extremely difficult to nail down any more information about him. JVM got a sweetheart deal where he did not spend a day in prison, and ended up not even fulfilling the community service order.¹⁰ He was deported

⁹ Much can be said of Ocando-Paz. He was closely involved in narcotics with another well known cartel person, Lizardo Marquez-Perez, and at one point he actually managed a hotel owned by Pablo Escobar.

¹⁰ Mr Maharaj had to prevail on the good nature of a local Oklahoma lawyer to bring litigation to get access to any of the Oklahoma file. Much of it has been purged and sealed by the government, so much remains to be learned. JVM allegedly got his deal by cooperating with the U.S. authorities and returning to Miami to testify at some point. Federal authorities have the relevant documents.

to Colombia and has been unable to come back to the U.S. Thus, investigation into him had to take place in Colombia, which was very dangerous. Nonetheless, Mr Maharaj has been able to establish that JVM was a senior cartel operative, known locally as a “real ghost,” who plays his criminal cards very close to his chest even today. The only official business record that undersigned counsel has been able to locate for JVM in Colombia in his own name shows his involvement in a chemical company, *Proquim*, which appears to have been a front for the exchange of cocaine precursor chemicals. *Exhibit X at ¶ 63.*¹¹ Both his name and that of his partner in *Proquim Industrial Ltda* (Ramiro Gonzalez Betancourt) have been reported in the computer files of another infamous narcotics operative, Rodrigo Tovar Pupo (known as *Jorge 40*). *Exhibit X at ¶ 62, 64.*

Additional material concerning JVM’s involvement in this matter must remain under seal, due to its highly sensitive nature, and so will be discussed in a separate, sealed document.

C. ONE OF THE TRUE ASSASSINS WAS AN ESCOBAR HIT MAN NAMED CUCHILLA.

The second person named as being directly involved in the murders of Derrick and Duane Moo Young was Manuel Guillermo ‘*Cuchilla*’ Zuluaga Salazar. See *Exhibit X at 2; see generally Exhibit J*. *Cuchilla* was a known hit man for Pablo Escobar. He specifically represented the ‘interests’ of Pablo Escobar. His chosen sobriquet translates literally as ‘The Blade’.

Cuchilla was involved in the notorious murder of federal informant Barry Seal in Baton Rouge, Louisiana, in February 1986, although he left the actual machine gun work, and the prison time, to others. Eight months later he was in Miami to take care of the Moo Youngs.

¹¹ We now have business records from three countries (the U.S., Colombia and Panama) related to JVM that are linked to his narcotics money laundering. See *Exhibit D*.

Unfortunately, he cannot be brought to justice for his role in the Moo Young murders, as he is dead. See *Exhibit G*. He met a very grisly end. He and an associate were kidnapped by the Cali Cartel when the Cali were trying to track down Pablo Escobar. He apparently stuck to the Medellin code and refused to betray his *compadre*. As a consequence, he was apparently fed through a sugar cane threshing machine, entering it alive but ending up very much dead. However, pending criminal proceedings against him in Colombia continued, *Exhibit H*, resulting in the forfeiture of the property that he is said to have bought with the money he was paid for the Barry Seal and Moo Young murders.

D. ONE OF THE TRUE ASSASSINS WAS A HIT MAN NAMED *EL CHINO*.

A third Colombian who was in Room 1215 was Jhon Henry ‘*El Chino*’ Rodriguez. See *Exhibit X at 2*. His name surfaced with that of *Cuchilla* as soon as cartel personnel were willing to speak. *Id. at 4, ¶20*. *El Chino* was aspiring to be a major assassin for Escobar. All in all, the Colombian authorities accuse him of several hundred homicides.¹²

Thus there is direct and strong evidence against these three Colombians for the murders. This is sufficient (standing alone) to revisit convictions that have held an innocent man in prison for 27 years.

And yet there is doubtless more evidence with respect to each person. With each of the three Cartel members, Mr Maharaj has – extraordinarily, and by the herculean work of investigator Gary McDaniel – been able to secure comparison fingerprints that may be checked against the nineteen unmatched prints from the murder scene in Room 1215. See *Exhibits E, F, & I*. While there is every chance that a professional narcotics assassin would have worn gloves,

¹² *El Chino* now claims to be working for the U.S. government, and says he cannot provide a statement about this case without its permission.

it is possible that even after 27 years there may be direct physical evidence linking one or more of them to the room.

Thus far no branch of the government has provided *any disclosures* regarding these three Colombian narco-traffickers even though we know – without room for doubt, given that JVM at least was under indictment by 1987 – that compelling and favorable information must exist on them dating back to the time of the Moo Young murders.

All in all, then, there is vastly more evidence available without more justifying Mr Maharaj’s claim that he should be allowed to take the case forward.

IV. THE OTHERS INVOLVED IN THE CONSPIRACY TO MURDER THE MOO YOUNGS INCLUDED TINO GEDDES, EDDIE DAMES, NEVILLE BUTLER, AND ADAM HOSEIN.

The emergence of various Colombian cartel members front and center on the stage does not mean that all the work in the past has been for naught. In addition to the *scores* of exhibits previously submitted to this Court in 1997 – which are incorporated into this case by reference – new evidence has come to light about other significant players.

A. TINO GEDDES, WHO UNDERMINED MAHARAJ’S ALIBI, AND CONFECTED UNCORROBORATED AND IMPLAUSIBLE STORIES ABOUT MAHARAJ CONDUCTING “DRY RUNS” OF THE SHOOTING, LIED FOR A REASON: HE WAS HIMSELF WORKING WITH A JAMAICAN NARCO-GANG LINKED TO THE COLOMBIAN CARTELS.

Mortimer Lincoln ‘Tino’ Geddes gave some of the most extraordinary – and seemingly damning – testimony at Maharaj’s trial. First, he told the jury that Mr Maharaj had been engaged in various prior and outlandish attempts to kill Derrick Moo Young; second, Geddes testified that he had prompted five other witnesses to give Mr Maharaj an alibi.

This was a lie, since the ‘dry run’ evidence was readily impeached and the other alibi witnesses confirmed their original stories, denying that Geddes had anything to do with what

they said. The unanswered question in 1997, and previously at trial, was why Geddes would have made such a *volte face*. After all, both in a sworn statement and in the Miami media, he had initially insisted that Maharaj could not be guilty because Geddes (along with several others) saw Maharaj miles north of Miami at the time the murders were being committed. It is important to underline what this means: if Maharaj was miles away at the time of the murders, he obviously did not commit them. He should have been acquitted if there was even a reasonable doubt on this score.

But now we know why Geddes perjured himself. This provides both strong evidence of Maharaj's innocence, and evidence of a significant *Brady* violation by the State. On September 17th, 1987, just a few days before Maharaj went on trial, the two Assistant State Attorneys went to Jamaica to testify on Geddes' behalf to get him out of a legal matter he was having in criminal court there. The jury was later told that Geddes had faced a minor and technical charge for forgetting a few bullets in his luggage that were found by customs on his way into Jamaica. The jury was told that these bullets went with a gun Geddes had back in Florida – a weapon that he had supposedly bought when he realized how dangerous Maharaj was.¹³ This, it turns out, was a gross misrepresentation of the gravity of the charges that Geddes faced and the story behind them.

Geddes, it turns out, was a long time associate of the Jamaica Shower Posse, so loyal to this group that he even sheltered their leader from the law for a year in the late 1970s. See *Exhibit S*. While nobody was willing to tell the truth about Geddes until he died in November 2011, it then began spilling out, partly through his former attorney Churchill Neita, and partly through other members of the Shower Posse now willing to speak about him.

Two investigators in search of the truth spoke to various people about Geddes' Posse connections, and the charges he faced prior to Mr Maharaj's trial, including Geddes' own lawyer in Jamaica, Churchill Neita QC:

Mr. Neita recalled that Mr. Geddes was originally held at the Norman Manley International Airport in Kingston with a number of guns, ammunition and a silencer for the weapons. Mr. Neita understood that Mr. Geddes had a contact in customs who was going to let him get through with the guns, but that they person seemed to have got cold feet.

The gun laws in Jamaica were draconian because of the high rate of violence, and there was a separate gun court to try them. Mr. Neita said that Mr. Geddes was facing at least 10 or 15 years in jail, although the crime could carry life.

Mr. Neita said that two Florida state prosecutors flew down to Jamaica and offered to be character witnesses for Mr. Geddes. Mr. Neita recognized that having two such witnesses say that Mr. Geddes was helping prosecutors in a serious Florida case would help reduce his sentence. At the meeting that Mr. Neita held with the Florida prosecutors, they advised that they needed Mr. Geddes to prove their case and would help him in return for his testimony.

Mr. Geddes pleaded guilty to the firearm charges and instead of being given a custodial sentence was simply fined. Mr. Neita viewed this as largely due to the testimony of the prosecutors. Mr. Justice Malcolm (now deceased) heard the case.

Despite the favorable outcome, Mr. Neita found it strange that Mr. Geddes would want to help the state given "the type of man" he was. Mr. Neita mentioned specifically Mr. Geddes' association with Tivoli drug dons and the fact that Mr. Geddes had himself confessed (ultimately in public) to hiding one such don in the late 1970s (Carl "Bya" Mitchell).

Mr. Mitchell was a big name in the Jamaican Shower Posse, the major drug gang based in Tivoli Gardens in Kingston. The senior leaders of the Posse included Mr. Mitchell, Lester 'Jim Brown' Coke and Alvin 'Micky' Gordon. Later, the leadership devolved upon Christopher 'Dudus' Coke, who is now in federal prison for his role in the drug trade. Particularly by the mid-1980s, drugs from Colombia flowed through Jamaica to the US, and there were various links between the Posse and the Colombian cartels.

Mr. Geddes lost his job – Mr. Neita said in 2011 - in the Jamaican media as a result of the links with the Shower Posse and the fact that he hid Mr. Mitchell.

¹³ Again, this story was self-evidently false since he bought the gun long prior to any of the incidents that he said took place. However, again, the jury would not have known why he was making up such a story.

[We] have been trying to follow up to secure documents concerning Mr. Geddes' arrest and subsequent prosecution, but these have proven to be very difficult to secure, even though they ought to be perfectly readily available, since he was arrested at the airport and faced official court proceedings. While it is not possible for me to say precisely why this difficulty has arisen, it appears that Mr. Geddes' case was a sensitive and politicized one.

Exhibit S.

Indeed, as the U.S. GAO report makes clear, the Shower Posse shipped some of their drugs to the US via the Bahamas (here, it will be noted, to Nigel Bowe and Eddie Dames) and from the mid-1980s (the time of this crime) also worked closely with the Colombian drug cartels in the more lucrative trade in cocaine. ***Exhibit U***, GAO Report on *Nontraditional Organized Crime: Law Enforcement Officials' Perspectives on Five Criminal Groups* (Sept. 1989) (including the Jamaican Shower Posse)), at 28-29.

Furthermore, the Florida authorities were deeply involved in the investigation into the Shower Posse narcotics. The Prime Minister of Jamaica from 1980 to 1989 was Edward Seaga, who was the Labour (Socialist) Party leader from 1974 to 2005. He is alleged to have had close ties to the Jamaica Shower Posse. The GAO report makes the following allegations:

Vivian Blake, who allegedly established an extensive drug network in the United States, is believed to be the more powerful leader of the American faction of the Shower Posse. Lester Coke, also known as Jim Brown, is the alleged leader of the smaller faction of the posse that operates in Jamaica. He is a Jamaican contractor who, according to Florida officials, allegedly had a prominent role in political campaigns of former Prime Minister Edward Seaga, a member of the Jamaican Labour Party. Lester Coke was deported in 1987 from Miami to Kingston to stand trial for the murders of 12 individuals, but the charges were dropped when witnesses failed to testify against him. Since the Florida RICO indictment, both Vivian Blake and Lester Coke have remained fugitives. Coke is also wanted in Jamaica where additional murder charges have been filed against him.

See Exhibit U (GAO Report).

All of this was happening around the time of Maharaj's trial. Thus, it would seem, Geddes was actually facing a long stretch in prison for smuggling weapons in (including at least

one silenced weapon) for use by his Shower Posse friends. A Posse member and Attorney Neita confirm that Geddes had shielded various of their senior members from the law, and was their “go to man” when they wanted to sort their own tribulations out with the Jamaican authorities. Further, a Posse member states that “Geddes had a lot of drug and weapon activity with Mr Mitchell and Jim Brown in South Florida in those days.” *Exhibit S*. In other words, he was just another member of the narcotics operation that needed cover up its participation in the assassination of the Moo Youngs.

B. EDDIE DAMES WAS A NARCOTICS OPERATIVE WHO HELPED CHOREOGRAPH THE EFFORT TO FRAME KRIS MAHARAJ FOR THESE MURDERS BEFORE HIGH-TAILING IT BACK TO THE BAHAMAS.

Dames was the man in whose name Room 1215 had been booked. Sometimes, the most important information is the most obvious: how likely would it be that Maharaj would choose to commit a murder in a room booked in the name of someone he had never met, who might walk in at any moment?

Again, it is significant that no disclosures have been made about Eddie Dames from those who would be most likely to know about his cartel work – including the DEA – but we now know that he, as an air traffic controller, was a player in the cartel’s transshipment operations.¹⁴ We also know (from both Detective Buhrmaster’s file and the William Penn deposition of Derrick Moo Young’s daughter Shaula Ann Nagel) that Dames had been making calls from the Bahamas to Derrick Moo Young to set up a meeting at the Dupont Plaza – a fact diametrically inconsistent with Neville Butler’s insistence that he, Neville Butler, set up a spurious meeting with Dames at the behest of Kris Maharaj.

¹⁴ Air traffic controllers were lynchpins in the smuggling of both cocaine and cash, as they could facilitate operations such as that of notorious narco-trafficker Carlos Lehder who used Norman’s Cay as a transshipment point.

Courtesy of State witness Prince Ellis, an associate of Dames who testified at trial, we now know that Dames entered the Dupont Plaza hotel around 9:30 or 10 a.m., in the company of two people who may well have been Hispanic. *Exhibit O, at ¶6*. While we cannot know for sure, this would be consistent with his entering with Cuchilla and El Chino, on the assumption that JVM was already present in his room.

We also know from Ellis that Dames was

“tight with Nigel Bowe, the lawyer in Nassau who was close to the Prime Minister, Pindling. Bowe later went down on federal drug charges in the U.S. Dames used to travel to Panama and to South America frequently as well on what I later came to assume were drug dealings.”

Exhibit O, at ¶25. Bowe was not only the lawyer for the legendarily corrupt Prime Minister Pindling, but also for the Moo Youngs, who registered one of their money laundering vehicles – *Cargil International (Bahamas)* – from Bowe’s Nassau law office. Nigel Bowe, with whom Dames was so close, had a major role in the cartel conspiracy that led to Bowe’s American conviction. See *United States v. Bowe*, 221 F.3d 1183 (11th Cir. 2000). Bowe has been convicted as part of a larger conspiracy that involved Jose Pepe Cabrera Sarmiento.

Indeed, Bowe’s involvement in that conspiracy was well known by the government long before Maharaj’s trial.¹⁵ Cabrera-Sarmiento was himself convicted in a West Palm Beach courtroom in December 1986 and he had already been convicted by then in another Florida trial: “Cabrera-Sarmiento, 55, already has been convicted of cocaine trafficking by a Marion County jury and sentenced to 30 years in prison. Investigators earlier described him as the leader of one

¹⁵ See Jean Dubail, *11 Held on Drug Charges ran Cocaine Ring, Indictment says*, Sun Sentinel, Oct. 24, 1986, http://articles.sun-sentinel.com/1986-10-24/news/8603040750_1_cocaine-trafficking-indictment-drug-ring (“The ring, according to the indictment, was headed by Colombian Alvaro Suarez Donado, 39, who lives in West Palm Beach. Its key members included Bahamian attorney Nigel Bowe, who was indicted in a related case in May 1985.”).

of the world's largest cocaine-smuggling operations.”¹⁶ He was a “key figure” in the Medellin cartel¹⁷ – in other words, yet another key associate of Pablo Escobar.

All of this fits hand-in-glove with the facts we have now learned from Colombia – that Dames and Bowe were involved with the Colombian cartel, and helped to ‘resolve’ the problem posed for Pablo Escobar by the Moo Youngs.

It is notable that Dames has recently tried to coerce Prince Ellis into keeping quiet, but Ellis says he is “not willing to be pressured into not talking about the case ... because I believe an injustice has occurred [to Kris Maharaj].” *Exhibit O at ¶27*. What, one might ask, does Ellis have to gain by exonerating Maharaj, save for unburdening his conscience?

C. NEVILLE BUTLER WAS THE SERIAL PERJURER WHO WAS ANNOINTED AS THE PERSON WHO WOULD TELL THE STORY TO THE POLICE.

Neville Butler, it will be recalled, was the ‘eyewitness’ who was allegedly in the room with Maharaj when the Moo Youngs were killed. While there was considerable squabbling during the last Rule 3.850 hearing over whether his polygraph regarding the facts he was swearing to should be considered a “fail”, everyone can agree that it was not a “pass”. And now there is much more evidence than a polygraph to demonstrate just how unreliable a witness this man was. The story that Butler initially told to the police – in which Butler was kidnapped and coerced into helping Maharaj kill the Moo Youngs - everyone now admits was simply perjury. Maharaj was originally indicted for kidnapping Butler as well as other crimes, based on Butler’s first story, but even Butler recanted that before trial when pressured to do so after his polygraph examination. Therefore there is no doubt that Butler is willing to commit perjury.

¹⁶ See Jean Dubail, *11 Held on Drug Charges ran Cocaine Ring, Indictment says*, Sun Sentinel, Oct. 24, 1986, http://articles.sun-sentinel.com/1986-10-24/news/8603040750_1_cocaine-trafficking-indictment-drug-ring.

¹⁷ See *Pepe Cabrera o law alas del Cartel*, ElTempo.com, Nov. 3, 1991, <http://www.eltiempo.com/archivo/documento/MAM-184078>.

Butler's testimony was the only direct evidence that purported to identify Maharaj as the killer of the Moo Youngs – everything else was circumstantial. It is perhaps extraordinary that anyone should go to death row, or spend 27 years in prison, based on the word of someone who admits that he already committed perjury on several occasions with respect to the case on trial: in statements, in evidence presented before the Grand Jury, and in two days of sworn depositions.

However, we now know much more. We know from Ellis that Neville Butler was involved in cartel narcotics operations along with Dames. *Exhibit O, at ¶13*. We know that Ellis was present after the murders when Dames met with Butler to rehearse his story. *Exhibit O, at ¶20, 21, 22*. We know that Dames and Butler came up with the story that he originally presented to the police and to the prosecution – which he was later forced to amend.

We also know that Butler is a serial perjurer. See *Exhibit P; AA at 51-53*. He appears to have committed perjury in at least six cases, including the Maharaj case itself. In the first case, going back to 1983, Butler "scammed" the victim, diverting money, defaulting on a loan where the victim was a guarantor, and not paying rent, before going into "hiding" to avoid his liabilities. This included a \$15,000 loan from Consolidated Bank from May 1983. Butler made roughly \$34,000 profit on the transaction before disappearing, forcing the victim to pay the debt and the legal costs. Butler surreptitiously removed W as a signatory of the bank account. As of February 13, 1984, Butler was still in hiding. As of May 30, 1984, Butler had apparently involved one Eslee Carberry (later another witness against Mr Maharaj) who was representing himself as "a member of the St Vincent Government." *Exhibit AA at 51-52*. These transactions all smack of lower level money laundering operations gone awry.

This led to Maharaj looking for other instances where Butler might have been a party to scams that left some imprint in the records of the legal system. And there were plenty. involving

instances in which he received mortgages or loans, resulting in litigation for nonpayment, going back to 1981. Butler obtained certain loans, at various times over several years.¹⁸ Butler executed, under oath, various documents disclaiming a connection to certain legal events. There are at least six "Non-Identity" Affidavits, all of which were signed under oath by Butler, at least five of which (and probably all six) are - when compared to other documents - perjury. In other words, Butler came up with a scam where he could claim not to have signed documents as a way in which to avoid the legal consequences of his actions. See *Exhibit P; AA at 52-53*.¹⁹

For example, as to one of the affidavits, sworn to before a notary on December 23, 1988, Butler indicates that he is not "one in the same person (s) as the defendant (s) named in the

¹⁸ Some of these records were very hard to obtain since, for example, the Florida authorities asserted that tax records were not public – only warrants for non-payment of taxes.

¹⁹ See *State of Florida Department of Revenue v. Neville Butler* (Warrant for Delinquent Sales and Use Tax against Neville Butler of January 19, 1982); *Consolidated Bank v. Caribbean American Traders of Miami Inc, Neville Butler and Royland Jarrett*, Civ. No. 83-35006 (Dade County) (Final Judgment Order of October 24, 1983 against Butler of \$15,412.67 plus costs and 12% interest); *Bank of Miami v. Neville Butler, Nina Butler and Caribbean American Traders*, (Summary Judgment Order of July 18, 1984, against Butler of \$27,384.05 plus daily interest); *Dorothy Sebo v. Neville Butler*, Civ. No. 84-13183 (Dade County) (Final Order of Aug. 17, 1984, on removal of tenant); *General Motors Corporation v. Neville Butler*, Civ. No. 85-8998 (Dade County) (Final Judgment Order of May 23, 1985 against Butler of \$9,850.34); *Rhoda Malsin v. Neville Butler*, Civ. No. 90-22245 (Dade County) (Notice of Lis Pendens, on mortgage foreclosure); Stipulation on Mortgage (Dec. 26, 1990); Final Order (Dec. 17, 1990); *Neville Butler*, Final Order Notice of Violations, Off. Rec. 15408 Pg 1566 (March 2, 1992); *Neville Butler*, Notice of Lien relative to Enforcement of Minimum Housing Standards, Off. Rec. 15548 Pg 1322 (June 11, 1992); *Del Rio Discount Corp. v. Neville Butler*, Civ. No. 90-7492 (Dade County) (Final Judgment Order of June 26, 1992, for \$584.00 plus interest and costs); *Neville Butler & Lois Butler*, Notice of Lien for Water & Sewer Service (Off. Rec. 16758 Pg 0250) (Apr. 19, 1995); *Associates Financial Services of America Inc. v. Neville Butler & Lois A. Butler*, Civ. No. 00-10702 (Dade County) (Lis Pendens & Order Granting Motion for Summary Judgment on foreclosure of mortgage on 18612 NW 45th Avenue, Miami in the sum of \$65,365.70, Dec. 6, 2000); see also *Neville Butler*, Satisfaction of Minimum Housing Lien (Off. Rec. 16768 Pg 4381, May 3, 1995); *Citibank FSB v. Neville Butler*, No. 93-05681 (Dade County) (Notice of Lis Pendens); cf. *Non Identity Affidavits of Neville Butler* dated December 23, 1988 (Off. Rec. 13943 Pg 3883); December 11, 1991 (*Bank of Miami v. Neville Butler*); May 22, 1992 (Dept of Revenue); May 28, 1993 (regarding six separate judgments, Nos. 12538/2133,

following judgment(s) and/or liens (s)” involving a GMAC judgment filed in 1985. The lien clearly reflects Butler’s earlier signature, but includes what appears to be a false address used to attempt to avoid liability. This apparently involved a vehicle that Butler took, which was found some months later in Trinidad, and which had been secreted out of the United States and sold as a hearse.²⁰

It is, then, perhaps bad enough that Maharaj should have ended up on death row where the only ‘direct’ evidence of his purported guilt came from someone who had concededly already committed perjury in the very case on trial. To learn now that Butler was a cocaine cartel operative who had made side career out of scamming people by committing perjury should – without more – be sufficient to revisit this unjust conviction.

D. ADAM HOSEIN WAS THE PERSON WHO DELIVERED THE MURDER WEAPON TO THE CARTEL ASSASSINS, AND MAY EVEN HAVE PULLED THE TRIGGER.

Adam Hosein is an Englishman who lives in Florida, and in the 1980s, ran what appears to be a series of “front” businesses (auto services and retail) for the placement of cartel cash, as well as some direct dealing on cocaine on the side. He left England after coming under suspicion for involvement in a high profile kidnapping and murder case related to none other than Rupert Murdoch, for which both his brothers were convicted. His uncanny resemblance to Maharaj was something that Hosein exploited back in England to get into race meetings, and it seems to have also been exploited by Hosein’s cartel bosses in this case to help to ensure that the heat stayed off the cartel.

15582/1813, 12232/323, 11369/1633, 15408/1566, 15548/1322); Oct 12, 1994 (re Judgment 15582 pg. 1813 & 12538 pg 2133); April 11, 2006 (Book 24453 pg 3791; re 1880 NE 158 St).²⁰ Butler also appears to have had a deeper involvement in money laundering than any witness has yet identified. The pattern of his many Florida corporations is not consistent with sound business, but is very consistent with laddering. See *Exhibit Q*.

Various matters have already been alleged concerning Adam Hosein – including the fact that a document in the police file reflects that he called Room 1215 and left a message on October 16th, 1986; and that (according to George Abchal) he apparently went to the crime scene on the day of the murders with a weapon. Abchal stated that Hosein came into a couple of hundred thousand dollars that day, plus cocaine and other benefits, but that he had had to be involved in the murder of two people to do it.

We now know that, despite denying to investigators for the defendant that he had any business dealings with the Moo Youngs, some time after the murders he went to Panama and transferred control of the Moo Young money laundering vehicle – Cargil International – to himself. See *Exhibit K*. Cargil was the company registered to the Bahamian law office of convicted cartel conspirator F. Nigel Bowe.

When the order was given to kill the Moo Youngs, Adam Hosein apparently brought one potential murder weapon to the Dupont Plaza – Abschal was the witness to this effect.²¹ We know also that Hosein has made a statement to Derek Jhagroo admitting his direct involvement in the murders. See *Exhibit AA at 10*.²² Whether he was the triggerman or not is unclear – he could have boasted that he was to Abchal to make himself seem more intimidating, or he may well have been forced by the situation that developed in the hotel room into pulling the trigger on one or both of the victims, who, it should be recalled, were murdered on different floors of the suite.

E. RICHARD SOLOMON IS ANOTHER OF THE MOO YOUNG CONSPIRATORS WHO HAS NOW BEEN EXPOSED AS A CRIMINAL.

²¹ This was previously attested to by George Abchal.

²² It should be noted that this is one area among several where it is vital that Mr. Maharaj be allowed evidentiary development in order to get the statement under oath directly.

In the months before their deaths, the Moo Youngs were negotiating with the Los Angeles Church Loan Corporation's agent, Richard Solomon, for control of millions of dollars worth of gems and Yen bonds, presumably in order to raise cash to pay back what the cartels demanded they owed. Richard Solomon has now been convicted in federal court of a number of charges, including money laundering. See *Exhibit Z, at 21 et seq.* The public description of his crimes appeared in the Eleventh Circuit Court of Appeals decision in his case on March 21, 2013. See *United States v. Solomon*, 513 Fed. Appx. 895, 2013 U.S. App. LEXIS 5548 (11th Cir. 2013), *cert. denied*, 134 S. Ct. 205 (2013). This conspiracy, based in various parts of the Caribbean basin, but extensively in Panama, included some dramatic numbers. For example, in his role as a member of *Cooperativa de Ahorro y Credito Gatun* ("Gatun"), a Panamanian cooperative acting as a credit union, "Solomon caused the cooperative to issue certificates of deposit purportedly collateralized by billions of dollars of gold *doré*--a processed, crude bar of low-grade rock that contains at least 50 percent gold and can be further refined to make gold bullion. Even though the gold *doré* never existed, Solomon delivered a master certificate to Panamanian authorities, claiming that Gatun was assigned 135,000 metric tons of gold *doré* valued at \$1,080,000,000." *Exhibit Z, at 2*. In other words, he appears to have been falsifying documents that could justify the laundering of more than one *billion* dollars.

This is all strongly corroborative of the long history of laundering by those associated with the Moo Youngs. Indeed, it was Solomon who, according to Rev. WC Bryant, looked into the Moo Youngs and warned Bryant that they were "bad news," perhaps a reference to the fact that they had recently fallen out of favor with their cartel employers. Rev. Bryant's testimony in the William Penn litigation was corroborated in part by a letter found in the Moo Young

briefcase dated June 6, 1986, from Solomon to Derrick Moo Young, at a Panamanian address, discussing rather more than \$100 million in gem stones.

All in all, we now know that the victims and their close associates, including several people who were listed as witnesses for the prosecution, was linked in some way to the Colombian cartels. Small wonder, then, that Maharaj ended up on death row for a crime that the cartels committed.

V. THERE APPEARS TO HAVE BEEN POLICE COLLUSION IN THE EFFORT TO FRAME KRIS MAHARAJ FOR THESE MURDERS.

After everything else, it might barely seem to matter that a former Miami police officer says that his colleagues intentionally framed Maharaj for this murder. See *Exhibit W*. Indeed, it does not matter whether this was actual corruption based on an agreement with the Colombians that they will pay for the police to ‘serve and protect’ them; or, what is sometimes called “noble corruption” – the term given by police to concocting evidence against a suspect for no other reason than they are sure that he is guilty.

Either way, we know that the police did rig the evidence to make their case against Maharaj. For example, Detective Buhmaster falsified his testimony that Maharaj said (a) he never had a hand gun, and (b) he never went into Room 1215. To the contrary, as shown in earlier pleadings, in Buhmaster’s very own file appear some handwritten notes concerning his investigation:

Approx. six months [before the crime] -- \$150 ...
for protection.

F.H.P. took gun Orlando, Fla. \$1,000.00 -- \$700.00
& gun.²³

²³ This directly corroborated what Mr. Manuelos Stavros testified.

* * *

* Subsequent to arrest, Don't you remember. I told you in July that the gun was stolen.²⁴

Exhibit IAF to first 3.850 at 4. The prosecution was aware that this statement had been made, since there is a note from ASA Ridge to Buhrmaster to "speak with FHP liaison about money and gun." Rule 3.850 Clerk Tr. 2171.

Maharaj bought the gun roughly six months before the crime. Subsequently, a member of the Florida Highway Patrol took the gun and some of the money at the time of the traffic stop. Indeed, someone has written in a different handwriting what Maharaj told Lt. Bernard Buzzo at the time he was arrested: "Don't you remember. I told you in July that the gun was stolen."

As corroborated in a pre-trial deposition by Officer Rivero, Maharaj also told the officers from the start that he had been in Room 1215. This meant that the fingerprints proved nothing, as he had a totally innocent explanation for there being his prints in the room. He was brought there by Neville Butler, to facilitate the frame up See *Exhibit P to first 3.850* (deposition of Detective Rivero).

CONCLUSION

For the reasons set forth above as well as such others as may appear to this Court at an evidentiary hearing on this motion,²⁵ Krishna Maharaj respectfully moves that this

²⁴ This directly corroborated Lt. Buzzo's recollection. The key issue here is that Maharaj made the statement, regardless whether the FHP officers denied corruption. The key issue at trial was Det. Buhrmaster's testimony that Kris Maharaj denied ever having a handgun – testimony that was clearly false, no matter who was telling the truth about the FHP stealing it and some money.

²⁵ Kris Maharaj underlines that the proffer that makes up this pleading should be read in conjunction with his earlier pleadings where the proffer has already clearly been made. For example, he is not realleging the materials concerning the improper assertions by Thomas Quirk, the ballistics expert, because those have already been submitted in detail and should require no further discussion. Additionally, it is Maharaj's firm contention that there are very significant revelations yet to come in the case, including a large amount of material in the hands of the Government concerning the various persons named in this document and previous filings.

Court grant him the relief requested.

Respectfully submitted,

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