

## **Juror: Spy Trial Nearly Stalled**

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The Miami federal jury that convicted five Cuban spies came close to a hopeless deadlock, an alternate juror told The Herald on Sunday.

Miguel Torroba said that one juror held out against finding the lead defendant guilty of murder conspiracy in the Brothers to the Rescue shutdown.

"They got that verdict at the last minute," said Torroba, offering the first glimpse of what transpired last week as the 12 jurors deliberated for five days.

"Only one juror wasn't sure of the murder charge," he said.

Torroba, 46, said he learned of the jury discord in e-mail exchanges with the foreman over the weekend. Torroba and two other alternates were dismissed from jury duty on Monday, as deliberations began.

"He wasn't 100 percent sure," Torroba said of the dissenting juror, whom he would identify only as male.

The sticking point, he added, was whether spy master Gerardo Hernández played a role in the 1996 shutdown of four Brothers fliers by Cuban MiG fighter jets.

Hernández was alleged to have passed on crucial information to handlers on the island about Brothers' flight plans, a charge defense attorneys denied. Hernández was the only one of the defendants charged in connection to the deaths of Armando Alejandro Jr., Carlos A. Costa, Mario de la Peña and Pablo Morales.

The unconvinced juror held firm for most of Friday as the 11 others waited, Torroba learned.

"I was told that the group was getting ready to go back inside the courtroom and tell the judge they were deadlocked," said Torroba, a self-employed furniture maker from northeast Miami-Dade.

Then, the tide changed in the jury room. The juror joined the others and they handed down all guilty verdicts, reached in a Miami federal courtroom. Torroba would not reveal what the foreman told him that persuaded the juror to change his mind.

The five defendants heard the verdicts at 5:09 p.m. in a packed courtroom.

Torroba said all jurors seemed to be in agreement on convicting on 22 espionage-related counts but that they disagreed on the one count of conspiracy to commit murder against Hernández.

That count, said Torroba, proved troublesome for some jurors, unconvinced by the evidence presented by federal prosecutors during the six-month trial.

The juror that held out till the last moment was not alone in wavering on the murder count, Torroba was told. At the start of deliberations, at least another juror had doubts about the murder-related charge, Torroba said.

But that unidentified juror eventually relented.

"Whoever held out, did not hold out," said Jack Blumenfeld, one of the defense attorneys. "It ultimately didn't change the final outcome."

But Blumenfeld added he wasn't surprised the conspiracy to commit murder charge against Hernández was troublesome. "There was no evidence presented in trial to support that he passed any flight information."

Blumenfeld said he has no idea who the dissenting juror might be. "At the end, when they were reading the verdicts, I didn't look at the jury, so I can't say if anyone seemed unhappy."

Assistant U.S. Attorney Caroline Heck Miller, a lead federal prosecutor on the case, had no comment Sunday on the deliberation dilemma.

How the other jurors made up their mind is a mystery. Many of the 12 jurors contacted by The Herald over the weekend refused to comment and indicated they had a pact not to discuss details about their jury room deliberations.

"It was a grueling six months, I'm just glad it's over," said juror Eugene Yagle, 66, who refused further comment.

Wilfred Loperena, 54, another juror, said through a relative he did not want to talk.

But Torroba, who did not deliberate with the others, was not part of the pact of silence.

"The judge told us we could talk if we wanted," Torroba said on Sunday. "I hope I'm not doing anything wrong by telling you all this."

He said his former fellow jurors updated him on the outcome of the trial because the group had grown close.

"We got along very well," Torroba said. "We're thinking of getting together for a reunion. For me it was like a school year, where you make friend and then you're sad to say goodbye."

After months of seeing them everyday, the defendants didn't appear sinister.

"They seemed like nice, regular guys," said Torroba, a native of Venezuela.

The five were among 14 people originally involved as members of La Red Avispa, the Wasp Network, the biggest Cuban spy ring known to have been dismantled in the United States.

Hernández's co-defendants, Antonio Guerrero, Ramón Labañino, Fernando González and René González will be sentenced in early fall. Hernández, Guerrero and Labañino face maximum sentences of life in prison. The two Gonzálezes, who are not related, face maximum penalties of 10 years behind bars.

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