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Major drug case will likely be retried

■ The case against former drug kingpin Hernan Prada remains unresolved after a mistrial in his federal case.

BY ADAM H. BEASLEY
abeasley@MiamiHerald.com

Federal prosecutors in Miami have failed to secure a conviction of a man who — according to his own lawyers — smuggled enormous amounts of cocaine into the United States from Colombia.

The reason: The feds were unable to prove to the jurors' satisfaction that the crimes of Hernan Prada occurred within the statute of limita-

tions.

As a result, jurors split 7-5 on Wednesday in favor of acquittal, forcing U.S. District Judge Adalberto Jordan to declare a mistrial in the trial.

Prosecutors are expected to retry Prada, who authorities said once ran an international enterprise that pulled in hundreds of millions of dollars a year.

During the seven-day trial, it was never in dispute that Prada at one time oversaw shipments of cocaine from Colombia to the United States.

Even his lawyers conceded

that point.

However, that was not enough for a conviction. The underlying issue of the case was this: Did the alleged Colombian drug-cartel kingpin plan or execute any deals after July 2, 1999, when the statute of limitations in his case would have expired?

When it became clear that a unanimous verdict was unlikely, the defense took an enormous chance.

At Prada's urging, attorneys William Barzee, Joel Denaro and Jelani Davis petitioned the court for a rarely used provision: a non-unani-

mous verdict. At the time of the proposal, it was not known which side had the most jurors in its corner.

All that was needed to declare guilt or innocence in such a case was a simple majority.

Jordan considered the proposal. Assistant U.S. attorney Frank Tamen dismissed it immediately. Later, it became clear that Prada would have walked if the prosecution had agreed.

"Our instinct was right," Denaro said. "It would have been spectacular if they had agreed. It was really intense."