

TALLAHASSEE DEMOCRAT Tallahassee●com

Attorney: Drop murder charges; lawyers call for action

Jennifer Portman, Tallahassee Democrat 2:18 p.m. EDT June 16, 2015
(Photo: Democrat files)



Quadruple murder charges against Henry Segura should be dropped, his attorney says — and fellow defense lawyers are calling for action — following revelations the Florida Department of Law Enforcement withheld DNA evidence that could point to another suspect in the capital case.

In a motion filed late Monday, Tallahassee attorney Chuck Hobbs asked Leon Circuit Judge Terry Lewis to dismiss the murder indictments against Segura, who faces the death penalty for the brutal killing Brandi Peters and her three young children at their Saddle Creek Run home Nov. 20, 2010.

The move comes days before the long-delayed trial in the case is set to begin with jury selection Monday.

In depositions last week, an FDLE crime lab analyst said she sat on information from the FBI at the behest of her supervisor for more than two years. The information showed that DNA taken from a phone case at the scene was a partial match to a known international drug trafficker.

Early leads in the case indicated Peters was a drug courier and was killed along with her children because of a debt she owed to high-level drug dealers. The theory is central to the defense of Segura, who maintains his innocence.

In his motion, Hobbs called FDLE's actions a "conscious, deliberate and willful" decision that violated Segura's constitutional rights, undermined his defense and was "fundamentally unfair."

"Simply asked," he wrote, "what remedy, short of dismissal, can assuage the damage that has been done by said concealment?"

Other prominent Tallahassee defense lawyers say the disclosure is a serious issue that demands further scrutiny.

"Every FDLE case now is questionable," said attorney Tim Jansen. "The FBI should be doing an investigation of the FDLE headquarters."

Defense lawyer Clyde Taylor Jr., who's been practicing criminal law for decades, said he plans to re-evaluate some of his cases and bring the issue of late disclosure of evidence before members of the local chapter of the Florida Association of Criminal Defense Lawyers.

"There is no excuse for that happening," he said of the late discovery in the Segura case.

Jo Ellen Brown, an experienced crime lab analyst, said her supervisor told her to ignore a recommendation from the FBI in January 2013 that an additional DNA sample be taken from convicted Colombian drug runner Angel Antonio Avila-Quinones for further testing. Brown said her supervisor, Karen Martin, said the sample was not sufficient for further testing or consideration.

Three months later, in April 2013, Brown amended her report on the phone case to say the foreign DNA data the FBI partially matched was "not interpretable." During the deposition, she conceded that was not true and noted she has testified about partial DNA evidence in many other cases.

In 2000, Quinones was indicted on federal drug charges after being caught aboard a fishing boat off the coast of Ecuador with nearly 5 tons of high-purity cocaine in what was one of the largest drug seizures in U.S. history. After cutting a deal with prosecutors, he was released from prison about eight months before the Peters' family was killed.

In 2013, the FBI said he was on probation in the Tampa area. He was deported back to Colombia in February, just weeks before Brown for the first time disclosed his partial DNA match to Assistant State Attorney Jack Campbell as he prepared for trial, which was to begin in March.

Brown told Hobbs she decided to come forward with the information on the eve of the trial because she felt attorneys "needed to know."

Hobbs said the late disclosure prevented him from vigorously pursuing a lead critical to Segura's case. If Lewis decides not to dismiss the charges, Hobbs argued he should have great latitude in

questioning Brown before the jury.

FDLE officials have declined to comment on the legal matter. Campbell said he is saving his arguments for the pretrial hearing on the issue set for Wednesday afternoon.

Segura has been in the Leon County Jail since he was arrested in 2011, nearly 11 months after the killing. A month before the family was killed, he had been ordered to pay \$20,000 in back child support to Peters, the mother of his 3-year-old son. His DNA has not been matched to evidence gathered from Peters' body or at her home.

Jansen said the crime, which included the shooting of Peters and her 6-year-old twin daughter, Tamiyah, and the drowning of her other twin girl Taniyah and Segura's son, Javante, has "all the markings" of a drug-retaliation hit intended to send a message to others.

He does not see how the state can proceed in its prosecution and thinks FDLE officials should be investigated for possible criminal charges.

"It undermines the whole credibility of our legal system if you have people burying evidence that might exonerate somebody," he said. "The state has an obligation here to re-investigate the whole thing and release (Segura) on bond."

Attorneys said suspicions have long surrounded FDLE lab reports and the timing of results. When information is handed over late one or two times, it's easy to rack it up to simple mistakes, Taylor said. But the Segura case is significant enough to warrant a hard look at FDLE and its connection to prosecutors and law enforcement on criminal cases.

"When you start to see a pattern, it starts to be concerning," he said. "All we ever want is the three players in any trial — the judge, the prosecution and the defense — to be fair, end of story."

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