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Drug Suspect Freed when Judge Rules Search Improper

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Charges against a Nicaraguan man accused of being a major Ecstasy distributor in South Florida were dismissed after a judge threw out the evidence: 300,000 pills seized at his Kendall home. U. S. Magistrate Stephen Brown agreed with the defense argument that the evidence was obtained illegally when Drug Enforcement Administration agents, without a search warrant, went to Robert Ocon's apartment and pressured him into allowing them in. Ocon, 28, was arrested Feb. 14 after agents got an anonymous tip that he and his friend, Luis Cuba, had \$6 million worth of the pills at his apartment. They found the popular "club drug" in three duffle bags in the bedroom closet.

"We contended from the beginning that Luis Cuba was the person who possessed these drugs and put them in Roberto Ocon's apartment," said attorney Brian Bieber.

The defense asked the judge to suppress the evidence because the agents who searched the house did so with "threats, coercion and intimidation."

"Ocon initially refused [to let them in]," Bieber said. "A second DEA agent explained that if he wanted the DEA to get a warrant, they would...and they would come back, break his door down, damage his property and they would find what was in the apartment."

In his ruling, Brown wrote: "Based on the totality of circumstances, particularly the agents' statement...that if defendant did not consent, they would return in DEA attire, carrying guns, this court finds that defendant's consent to the search was involuntary."