

'Superbly written.'

John Grisham

Clive
Stafford
Smith

Injustice

Life and Death
in the Courtrooms
of America

'Clive Stafford Smith
is a true hero and
this book helps
explain why.'

Jon Ronson



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About the Book

A man wrongly condemned to death for murder, a crusading lawyer determined to free him, an investigation that reveals corruption at every turn. This remarkable book reads like a page-turning detective story, with one crucial difference: can we be sure that justice will be served at the end?

In 1986, Kris Maharaj, a British businessman living in Miami, was arrested for the brutal murder of two ex-business associates. His lawyer did not present a strong alibi; Kris was found guilty and sentenced to death in the electric chair.

It wasn't until a young lawyer working for nothing, Clive Stafford Smith, took on his case that strong evidence began to emerge that the state of Florida had got the wrong man on Death Row. So far, so good - except that, as Stafford Smith argues here so compellingly, the American justice system is actually designed to ignore innocence. Twenty-six years later, Maharaj is still in jail.

Step by step, Stafford Smith untangles the Maharaj case and the system that makes disasters like this inevitable. His conclusions will act as a wake-up call for those who condone legislation which threatens basic human rights and, at the same time, the personal story he tells demonstrates that determination can challenge the institutions that surreptitiously threaten our freedom.

About the Author

Clive Stafford Smith is a lawyer specialising in defending those accused of the most serious crimes, and is founder and Director of UK legal charity Reprieve. Based in the US for twenty-six years, he now works from the UK where he continues to defend prisoners on Death Row, and challenges the continued incarceration of those held in secret prisons around the world. He has secured the release of 65 prisoners from Guantánamo Bay and still acts for fifteen more. His book *Bad Men* (shortlisted for the 2008 Orwell Prize) described this campaign. Alongside many other awards, in 2000 he received an OBE for 'humanitarian services'.

Also by Clive Stafford Smith

Bad Men

This book is dedicated to Marita Maharaj. Marita's own dedication to her husband, through more than a quarter century of his incarceration, remains the inspiration to us all.

CLIVE STAFFORD SMITH

Injustice

Life and Death in the
Courtrooms of America



Harvill Secker
LONDON

The concept of justice as a lady with a blindfold and a pair of scales someone else may lay a decisive finger on without her noticing has often struck me as questionable. It presupposes a readiness in those among whom she dispenses her gifts to keep their hands to themselves. You must agree that would be a perfect world, and in such a world she would be a redundant figure. Keep the figure, by all means, as a symbol of what might be achieved. Keep the illusion of detachment. Cultivate its manner. But admit it cannot be a controlling force without compromising itself.

Paul Scott, *The Day of the Scorpion* (1973)

Our justice system makes two promises to its citizens: a fundamentally fair trial and an accurate result. If either of those two promises is not met, the criminal justice system itself falls into disrepute.

Pascal Calogero, former Chief Justice,
Louisiana Supreme Court (2012)

1

The Case

THE COURTROOM IS modern, confined and ugly. Faux-oak panelling along the walls, synthetic ceiling tiles. Judge Howard Gross nods from his elevated bench. The prosecutor is a clean-cut all-American, close-cropped dark hair, long thin face, sincerely sincere. He walks towards the podium, and towards the jury. The twelve men and women are sitting attentively in their places.

‘May it please the court,’ he begins. ‘Counsel for the defence.’ He nods at Eric Hendon, the portly African American lawyer representing the man on trial. ‘And ladies and gentlemen of the jury.’ He turns back towards the twelve who will decide the case. ‘This case is about hate. This case is about vengeance of the highest order. This case is about stalking and lying in wait to murder a victim. This case is about the manipulation of witnesses and the fabrication of an alibi.

‘The victims in this case are Derrick Moo Young, a Jamaican businessman, father of four, who died in a hail of gunfire in Room 1215 at the DuPont Plaza Hotel in downtown Miami, on October 16th, 1986. And his son, his eldest son Duane Moo Young, twenty-three years old, was executed to eliminate him as a witness, by the defendant, Krishna Maharaj.’ He turns and points at the man sitting beside Hendon. Krishna Maharaj is in his forties, heavysset himself, with thick black hair sprouting upwards from his brown face. The defendant frowns back at the prosecutor.

'Before I talk about what the evidence will reveal to you in this case, I would like to tell you about the types of evidence you will hear. You will hear from witnesses; you will hear scientific evidence regarding fingerprints, ballistics evidence, business records, and the statements that this defendant made to the police. All of that points to this defendant - nobody else - as the killer of Derrick Moo Young and Duane Moo Young.

'Well, as with all brutal, evil acts, there is a beginning. And the beginning was not on October 16th. In the beginning, Derrick Moo Young and the defendant, Krishna Maharaj, were business partners in KDM, which was a corporation that dealt primarily with export and import. They were more than business partners; they were friends. But the business broke up and the friendship came to an end in April.

'The disputes began with the break-up of the business. Suits and countersuits were filed in Broward County Circuit Court, in Fort Lauderdale, and the defendant then initiated the war that culminated in the murder of Derrick Moo Young and his eldest son, Duane.

'The war began, interestingly enough, in the newspaper known as the *Caribbean Echo*. You will hear from the editor of that newspaper, Eslee Carberry. You will hear that in April the defendant - not satisfied with the progress of his civil suit against Derrick Moo Young - paid for a newspaper article in the *Echo* exposing Derrick Moo Young as a swindler. And you will see that newspaper article.

'And Mr Carberry published that article, but refused to publish follow-up articles from Krishna Maharaj, presenting his side of the story. Because Derrick Moo Young came to Eslee Carberry and said, "Hey, there's another side to this story. Let me show you some documents concerning this guy Maharaj."

'Sure enough, starting in June of 1986, the paper began to publish ... relentlessly ... articles exposing Krishna

Maharaj as a swindler, as a forger, as a manipulator. And things began to get very, very dirty.

'What did the defendant do? Well, the defendant offered to buy the *Caribbean Echo*, but Mr Carberry refused to sell it to him. He offered other articles against Derrick Moo Young, but Carberry refused to publish them.

'So what did Krishna Maharaj do next? He started his own newspaper and began to hire the people from the *Caribbean Echo*, lure them away with money and other promises of wealth that they would receive with his paper. And he vowed to destroy the *Caribbean Echo* and to destroy Derrick Moo Young. Well, he did hire those people away, but Eslee Carberry continued publishing his articles, exposing Krishna Maharaj as a money-launderer from Trinidad, a scamster, a fraudster.

'One of the people the defendant hired away from the *Echo* was a person by the name of Tino Geddes. Mr Tino Geddes will testify in this case. Mr Tino Geddes was taken into the defendant's confidence and shortly, when the articles from the *Echo* got intensive, Mr Geddes was recruited to assist the defendant in a plan. A plan that consumed Krishna Maharaj's every waking moment, from July to the murder ... the hail of bullets at the DuPont Plaza. And that plan was the elimination, the murder, of Derrick Moo Young and Eslee Carberry, the editor of the *Caribbean Echo*.

'This hatred, which consumed his life, became an obsession and led to what I would call - and the evidence will show - almost comical attempts, that failed, to murder these people.

'The evidence will show that the defendant purchased crossbows, Chinese throwing stars, camouflage gear, weapons of various sizes and sorts, including a nine-millimetre pistol. The pistol will be very important in the case because it is a murder weapon.

'You are going to hear that this equipment was purchased by the defendant for one reason only. Mr Geddes will tell you it was purchased to murder Derrick Moo Young.

'What are the comical types of failed attempts to murder these people? Well, you are going to hear from Mr Geddes that they waited for Mr Carberry late at night on a lonely road, hoping to catch him. But, as fate would have it, they got hungry and went and got a sandwich, and they missed Mr Carberry and didn't get a chance to murder him up at West Palm Beach.

'You will hear about a Ryder Rental truck in late July. Lying in wait out on US Route 27 in camouflage gear with a crossbow, waiting to take out Derrick Moo Young when he happened along the road. They were expecting him. He never showed up. You will hear some of the most bizarre plans that came from the mind of this defendant, obsessed as he was with the murder of Derrick Moo Young.

'This is when Mr Neville Butler comes into the picture. He is a Trinidadian national who worked under the pen name of "Crossley West" at the *Caribbean Echo*. And, as with the other people at the *Echo*, the defendant lured him away from the *Echo* to work for his own newspaper, and destroy the *Echo*.

'It was a combination of several things - the defendant's promise of money, promises of a better job and, Butler himself will tell you, his own ambition, his evil greed for money, caused him to try to move away from the *Echo* to the *Caribbean Times*.

'But the defendant had one condition before Butler could work for the *Times* - one condition. And that condition, in October, was: "You've got to set up a meeting between me and Derrick Moo Young and Mr Carberry."

'Mr Butler said, "Why, you know Moo Young will never meet you under any conditions."

'He said, "Yes, that is why I need you to set it up, to have somebody used as bait to get him to this location, so I could meet you here."

'Butler says, "Why me?"

' "Well," the defendant says, "well, your name has come up as being involved in this extortion attempt down in Trinidad, and I want to clear up your name. What we are going to do is get Derrick Moo Young in there, and have him" - meaning Derrick Moo Young - "write out a confession that he has been the one extorting the money, and we may rough him up a little bit, tie him up. But nobody is going to get killed or really hurt."

'Butler - naïve Butler - agrees, and that sets off the chain of events which led to the murders, including the murder planned for months of Derrick Moo Young.

'Well, the plan takes root with Mr Butler. Butler knows two people from the Bahamas, Prince Ellis and Eddie Dames. They are unwittingly used in this case. Mr Dames is an air-traffic controller, now the manager of the airport in Nassau. And Prince Ellis, he is a caterer and runs Lucky Five Catering Service in Nassau. As a matter of fact, they had been making plans during this period of time to open a nightclub, a business in Nassau, which they needed equipment for. And the defendant asked Butler if he knew anybody who could possibly lure the Moo Youngs.

"I know these two people are coming over here, and they need restaurant things ..."

'The defendant said, "Good. It is a great idea, play them up really big. The Moo Youngs will bite on that."

'Butler agrees.

'Phone calls. You will see the evidence of phone calls going between Butler and the Moo Youngs and the defendant, minutes apart, a couple of days before the murder. The Moo Youngs knew that Mr Dames was coming to Miami. Butler hooks them up, saying the Moo Youngs are big importers-exporters. Says Dames and Ellis need large

amounts of restaurant equipment, and they also need music equipment.

'They arrive in Miami. Mr Dames arrives in Miami on October 15th, which is a Wednesday. Thursday is the murder, October 16th.

'What the evidence is going to show is that the defendant registered at the DuPont Plaza in Room 1215. Is he registered under the name of Krishna Maharaj? Of course not! He called himself Eddie Dames. And it is him saying this to the people at the DuPont Plaza. You will hear those people testify.

'What does he also do? He says, "Well, there is - I want a room - the penthouse suite upstairs, and it is going to be paid for in cash." That kind of thing is what happened.

'Mr Butler comes in shortly afterwards - the guy gives \$110 in cash for the two days that they are going to be there. And Eddie Dames is registered at the room.

'Is this plan going to fail like every other one that has failed? Tragically, no. And that is the reason you folks are here, because Mr Carberry is alive, because they couldn't set up the meeting with Mr Carberry. But Derrick Moo Young is dead and his son, who wasn't expected to be there, just went along with his dad that day - he is dead because he was with his father.

'What happens on the 16th? Well, as planned, they all show up at the DuPont Plaza. Outside, early in the morning. Maharaj is waiting outside and Neville Butler shows up. The maid cleans the room.

'And they go up to the room, make a phone call to Mr Moo Young, confirm that the meeting is on.

'Mr Moo Young, along with his son - who is unexpected, but that doesn't phase the defendant; he doesn't even act surprised that somebody else came along, because as you will picture from all the other evidence, that has always been the game-plan - if somebody else comes along, they have to die too.

'So Butler calls the people up to the room. They come in the room expecting to meet Eddie Dames, the man who wants to import and export. Who do they find? They see him - the defendant. He comes out of the bathroom with a glove on his right hand and a nine-millimetre pistol in his right hand, and a pillow - which will be important also - in his left hand.

'He began shooting at the victim, shooting at Derrick Moo Young - taken totally by surprise by this - to show him he means business. First, he shoots him in the knee, right there in the room. In the kneecap. Shows him that he means business. You will see pictures of the room, and you will see that the room had been rearranged by the defendant. Fingerprint evidence will also tell you that.

'Pay very close attention to that. And you will see legal pads, which were there for Derrick Moo Young to write a confession to supposedly stealing the defendant's money. And you will see two heating elements, which were used ... the heating cords - they were used ... they were bought the morning of the 16th by the defendant at the hotel to tie up Derrick Moo Young and anyone else who came along with him. Neville Butler ... Butler ... Neville Butler knew they were going to use the two cords to tie them up. As a matter of fact, Derrick and Duane Moo Young were tied up at various points during the shooting.

'Well, instead of writing a confession, Mr Moo Young bravely made an attempt to save his own life. He charges the defendant, dives, and is mortally wounded by a hail of gunfire. You will hear evidence that he was shot six times in the chest and through his body. And you will hear the testimony by the medical examiner that he didn't die immediately. And that is important, because somehow he is able to crawl while the defendant is interrogating his son concerning monies, and getting a confession. He is able to crawl and throw himself out into the hallway.

'You will hear testimony that nobody in that entire hotel heard gunfire, and that was due to a few reasons. You will hear that the hotel was very sparsely populated on October 16th. As a matter of fact, three rooms were occupied only, and during the time of the murder, nobody was there. Also, on the eleventh floor below, there was an entire reconstruction going on - remodelling. The normal noises, with hammers banging and moving furniture, that kind of stuff. Then there is the well-constructed nature of the DuPont, being that it is an older hotel and doesn't have paper-thin walls or floors. It is well built, and the noise doesn't travel through there, and nobody really heard any gunfire.

'There was no silencer used by the defendant. He told Mr Geddes about the possible attempt at the DuPont. Mr Geddes asked, "What about the gunfire? What are the people going to hear at the hotel?"

'The defendant says, "Don't worry. This hotel is well built. The walls are soundproof." And that shows you why he thought there would be no problem.

'As a matter of fact, he was right. He is right that nobody heard the gunfire. Nobody heard it. But the blood of Derrick Moo Young out in the hallway is the thing that alerted the people that something was going on.

'You will hear testimony from the security people and the house-people of the hotel, how they responded. And somebody saw the blood, and they brought somebody else up, and they noticed that the door had a pin out, which means that somebody double-locked the door from the inside - live people. Because the only way you can double-lock that room is to have somebody that is alive inside.

'They even have a conversation with the defendant: the security guard from the outside. And he asked if everything was okay in the room. And the defendant responded that everything was okay. They went back downstairs, left the door unlocked - excuse me, unguarded. For five minutes or

so. And came back up and the pin was back out - excuse me, back in - which means that they had left. They opened the door and discovered the bodies.

'In that five-minute period of time, the defendant was able to flee, along with Neville Butler.

'Before we get to that, the people who walked up there did not see a "Do Not Disturb" sign initially on the door - a typical "Do Not Disturb" sign. When they came back the second time it was there. Whose fingerprints were on the "Do Not Disturb" sign? Right there - the defendant.

'Whose blood is right next to the defendant's prints on the "Do Not Disturb" sign? The blood of Derrick Moo Young, trying to get away outside. The blood-spattered area. The scene is crucial.

'There is going to be an eyewitness, Neville Butler, who will tell you what happened in the room. But the physical evidence from the scene is also very important. And I am asking you: please pay close attention to that testimony.

'You will hear testimony about that, as I told you - of the fingerprints in places that only the killer would have left them. Listen carefully to that testimony.

'Also there will be a gun scientist's testimony, a ballistics expert, and there were nine-millimetre casings that were fired over projectiles, and only one gun was used, and the gun was never recovered. But if you listen closely to the testimony of the gun expert, as well as the other evidence in the case, it is the gun expert - he can say it was a nine-millimetre semi-automatic pistol. You will hear that the nine-millimetre pistol was sold to this defendant by another person, and you will see the person who sold it.

'As a matter of fact, you will hear testimony from a trooper that stopped the defendant for a traffic ... minor traffic infractions back on July 25th, 1986. What did that trooper find on the defendant? It wasn't important then, but for this trial it is crucial that he found the nine-millimetre pistol, silver in colour. The same gun that Neville

Butler says; the same gun that matches the scientific evidence; the murder weapon.

'What else did the trooper find in the car? Camouflage equipment, Chinese throwing stars, crossbows - found all of these things.

'Well, the murder happens. What happened then? The defendant flees the room, leaves his fingerprints, his left-hand fingerprints, his left - remember, the glove is on his right hand - his left-hand fingerprints in all the crucial places; some right-handed fingerprints and things when he first arrived in the room with a soda can, reading a newspaper. Fingerprints were there in over ten places; ten places that fingerprints were found. But this is crucial about the left-handed fingerprints, remember that.

'He went downstairs with Neville Butler, and they wait out in the car for three hours while medical emergency people are arriving, the bodies are found. The body of Derrick Moo Young is found - and his son Duane was taken out upstairs. Mr Butler will tell you the defendant couldn't leave any witnesses, and took Duane upstairs and shot him right in the head, murdered him.

'The bodies are found, and they waited downstairs. Mr Butler is telling the defendant that they are waiting there because they have to find out what Eddie Dames knows.

'What does Dames know? He is going to be coming back - he was told to leave by Neville Butler; he went to a music store and he doesn't come back to the hotel until one o'clock. Eddie Dames is in the dark and he was just used as the bait. But they have to wait for him.

'Waiting for him they discussed - the defendant admits to Butler the concerns that he has about the police officer who sold him the gun. You will hear from the lieutenant from the Miramar Police Department that he sold the defendant the gun, the nine-millimetre. The defendant is concerned about that, and concerned about how to get rid

of the gun. And he talked about throwing the gun in the river and doing that kind of stuff.

'Also, primarily waiting for Eddie Dames - Eddie Dames, they miss him, and he gets in and asks for messages for his room. And you can imagine the number of police that grabbed him saying, "What do you mean? Why are you asking for messages for your room, 1215?"

'He said, "That is my room, and to see if there were any messages."

"Well, I have to talk to you at the police station."

'On his way to the police station Neville Butler sees him from the car. He was getting out of the car and he goes and speaks to Eddie Dames. One thing leads to another, and Eddie Dames and Neville Butler get away from the defendant. The defendant had told Butler, "From now on we are going to stay together. You can trust me, and I am going to promise that I am going to take care of you. I am going to buy a car for you. We have to get our stories straight."

'Butler gets away and flees from the defendant.

'Neville Butler goes to the police that afternoon and tells the police what happened in the room. He says, "By the way, Maharaj wants to meet. He wants me to meet him at the Denny's Diner by the airport." So Neville Butler went to the Denny's and talked with Detective John Buhrmaster, who is the lead homicide investigator in this case, and they go in there. Well, at Denny's, Neville Butler sees the defendant, and the defendant sees him, and Buhrmaster arrests the defendant.

'The defendant goes to the police station and agrees to talk to the police. You will hear that he had a conversation with the police. Sure, he wanted to talk about his case. And what does he tell the police? He tells the police that never has he been inside the DuPont Plaza Hotel on October 16th and, what's more, in his life he had never been on the twelfth floor. Nobody said that he had ever been on the

twelfth floor. Unfortunately, Detective Buhrmaster didn't have the results of the fingerprints at that time, and didn't confront him with that evidence. He got that a few days later.

'So the defendant also says, "I have never owned any handguns." You are going to hear evidence that the handgun was sold to him by a police officer.

'Also he says, "By the way, I couldn't have done it, because I was with Tino Geddes at the Kenya Press in Fort Lauderdale", which is a printery for the paper. In the morning, through lunchtime. The murder had occurred around lunchtime. He said, "I wasn't up there. I was at the printery with Tino Geddes." Well, that is bunk. Tino Geddes never saw the defendant that day until six o'clock at the airport. Never saw him.

'Geddes will come in here and tell you that when he met him at the airport - when Geddes met the defendant at the airport that night - about his own involvement before in this conspiracy, he agreed that he would lie for him initially. And he did initially give a statement to the defence attorney in the case, like, "I was with him that morning."

'As a matter of fact, Geddes will tell you that, at the defendant's request, he fabricated - actually fabricated - an alibi, manipulating innocent people to be mistaken and say they were with the defendant that morning. They actually did that. Well, Geddes isn't going to lie any more. He is not going to lie for him - the defendant - any more. He is going to come in here and tell you like it is, set the record straight.

'The fingerprints, the ballistics evidence, the trooper who stopped that man, the police officer who sold him the gun - overwhelming evidence. The motive is overwhelming.

'The State of Florida is asking you to do some thinking in this case. Please pay very close attention to the witnesses, observe their demeanours, assess for yourselves whether they are telling you the truth.

'I am going to ask you at the closing of the case to dispense justice, because justice cries out for conviction in this case, which is one of first-degree murder, in two counts. Brutal first-degree murder. The most coldly, mechanically planned type of first-degree murder.

'The blood of Derrick Moo Young and Duane Moo Young is still on his hands. I am going to ask you folks to do the right thing and listen to the evidence, do your duties. And I am confident that you will return a verdict that speaks the truth, that the defendant is guilty of two counts of first-degree murder, kidnapping and terrorising these two people before they died.

'Thank you for your time.'¹

*

With this, Assistant State Attorney John Kastrenakes takes his seat. The prosecution presentation runs very close to the script that he promised, fleshed out in various details. The jury learns that Krishna Maharaj's anger with the Moo Youngs raged white-hot. Eslee Carberry testifies about the series of articles that he had published in the *Caribbean Echo*. These provide reason enough for Krishna to be furious at both Carberry - the publisher - and Derrick Moo Young, whom he believes to be behind them.

The Maharaj family - Krishna's brothers, Ramesh and Robin, as well as Krishna himself - are accused in the *Echo* of being part of a scam described as 'irregular, illegal and possibly fraudulent', getting money out of Trinidad and into the US. This story runs twice, with the second headline shouting: '\$1.5 Million Shared by Three'. If this is true, Krishna could face charges himself in Port of Spain.

'Numerous persons,' Carberry writes, 'seem anxious to clarify many financial dealings involving Krishna Maharaj.' What is this about? The jury is left to speculate: has

Krishna been defrauding people other than Derrick Moo Young out of money?

Again, according to the *Caribbean Echo*, Krishna Maharaj holds himself up as the owner of a rival weekly publication, the *Caribbean Times*, aimed at the same South Florida community. But this newspaper is not even his, Carberry says, but is rightfully registered to Derrick Moo Young. Is this another scam conducted by Krishna, stealing Derrick's business?

The scandals escalate, falling over each other with every edition of the *Echo*. Next there is a story about a threat to kill Carberry himself, made in a crowded restaurant. 'I could have killed you a long time ago!' an unhinged Krishna Maharaj shouts at the editor. 'I *will* kill you!' Week after week, Carberry publishes Derrick Moo Young's stories about Krishna Maharaj. Little wonder, as Prosecutor Kastrenakes says, that the defendant has become obsessed with revenge against both men.

As Carberry's evidence is presented, Krishna Maharaj sits impassively beside his lawyer. He does not seem concerned. His face is stolid. When the judge sends the jury out on a break, he turns towards the audience where his wife Marita sits in the front row. Portuguese, her skin is almost as tanned as her husband's, but she is pale, worried. His face breaks into a rare smile, and he encourages her: do not worry.

The defence lawyer, Eric Hendon, in his dark polyester suit, sweats in the air conditioning. He makes a few points on cross-examination as Carberry's venom washes over Maharaj, but he only puts small dents in the prosecution theory. Carberry admits that perhaps the defendant did not threaten to kill him - just to destroy his paper, the *Echo*. But Hendon generally allows the stories to stand. The jury must be getting a fairly damning picture of his client.

And it gets worse. Just as Kastrenakes predicted, another journalist, Tino Geddes, takes the stand. He relates

to the jury a bizarre series of plots by Krishna Maharaj to kill both Carberry and Derrick Moo Young. With respect to the murder itself, Geddes describes how Maharaj asked him to cobble together an alibi. He found this easy to do, as the day before the murders - Wednesday, October 15th - they really were all together. Some time had gone by, and it was simple enough to get the others to think the meetings were on the Thursday. But he later felt guilty and refused to continue the charade. His testimony has done Maharaj's case a lot of damage - falsifying an alibi is a clear sign of guilt.

Much of the witnesses' testimony seems to be corroborated by the scientific evidence. There is the gun. Some months earlier Krishna Maharaj bought a nine-millimetre Smith & Wesson pistol from a police officer, who testifies. No murder weapon was ever found on Maharaj or at his house - perhaps, as Neville Butler predicts in his testimony, he threw it into one of the many waterways in South Florida.

The state ballistics expert, Thomas Quirk, testifies that the gun used to commit the crime was a nine-millimetre semi-automatic with six right-hand twists in the barrel. He is slightly less certain in his opinion than Kastrenakes had promised in the opening statement. Quirk says he can narrow down the murder weapon to one of six types of weapon - Browning, Leyte, Llama, Sig-Sauer, Smith & Wesson or Star, all nine-millimetre pistols. He reviewed standard bullets fired out of each type of gun; while he cannot be sure, he thinks a Smith & Wesson is the most likely of the six. The jury has already heard that Krishna Maharaj owned an S&W like this. This is not conclusive, as there would still be more than 270,000 such pistols at large in the US, but where is the gun that the defendant bought? If he would produce it, they could do tests to see whether it fired the fatal bullets. But if he refuses to say where it is, surely that is further evidence of guilt?

Ivan Almeida is the prosecution fingerprint expert. He testifies that there are twenty-one prints in the room that were matched to Krishna Maharaj. As Kastrenakes promised, there are two left-handed prints on the 'Do Not Disturb' sign. Kastrenakes made a big deal, in opening, about the difference between the right- and left-handed prints that were found at the scene. This supposedly corroborates Neville Butler's story that Krishna wore a glove on his right hand only. To be sure, there are lots of left-handed prints. But there are right-handed prints on a soda can and a Miami newspaper. A right palm print on the *USA Today* paper. And both left- and right-handed prints on the outside of the door to the room. Butler's prints are in the room as well, but - as Kastrenakes assured the jury in opening - this is to be expected. Butler freely admits to being there. Regardless of whether Maharaj had a glove on during the actual crime, there can be no quarrel with the fact that the defendant has been in the room.

The fingerprint testimony links into the testimony of the lead homicide officer on the case, Detective John Buhrmaster. He mirrors Kastrenakes: dark hair, similar narrow, smooth face, roughly the same age. He arrested Krishna Maharaj at the Denny's Diner and began to question him at 1.23 in the morning.

'Did you have any discussion with the defendant concerning guns?' Kastrenakes asks him to tell the jury.

'Yes, I did,' replies the detective.

'What kind of conversation did you have with the defendant concerning his ownership of guns?'

'When I asked him if he owned any, he told me that the only guns he owned were two shotguns, and they were at his house now.'

'Did you have any conversation with the defendant as to whether or not he owned any handguns?' Kastrenakes presses on, since this is not quite the answer he was looking for.

'Yes, sir, I asked him if he owned any handguns and he indicated that no, he has never owned any.' From what is already known, it makes Maharaj sound even more guilty - he is trying to cover up the fact that he had a gun of precisely the type used in the murders. And Maharaj also told the detective that he had never been in Room 1215. While Buhrmaster has plenty more to say, these are the key points. With twenty-one of his fingerprints in the room, Krishna Maharaj is clearly lying again - and why would he tell these falsehoods if he had nothing to hide?

Hendon sallies into a few areas in his cross-examination, but makes little headway. There was a Colombian, Jaime Vallejo Mejia, registered in the room across the hall. He asks where Mejia was during the murders. Buhrmaster says that he saw no reason to disbelieve Mejia, who said he was at his office, which was also in the hotel.

'He said he was on the sixth floor, and I believed him,' the policeman says dismissively, making it clear that this is a defence smokescreen.

The Colombian has an import-export business. Hendon asks what this business of his deals in.

'I don't recall,' says Buhrmaster. He sees no relevance in Hendon's suggestion that he should have searched the man's room, or taken his fingerprints. Hendon starts to look as if he is thrashing around in the waterpolo pool, trying to obscure the view of the goal.

As the other expert witnesses appear, Hendon is able to point out that Kastrenakes slightly overstated his case on the blood evidence. David Rhodes, a Miami-Dade County police officer working as a serologist, testifies that the blood on the 'Do Not Disturb' sign was insufficient to match to anyone. But the point is a minor one, as few could doubt that it belonged to Derrick Moo Young. There is no evidence that anyone else bled anywhere near the sign.

A few more holes are filled in, and then the prosecution rests. Everyone turns towards Eric Hendon.

I was not at the trial. Later, as I read through the transcript, it is easy to imagine the suspense in the room. I have been in that position many times. It is time to hear from the defence. What will Eric Hendon put forward to disprove the prosecution case? There are the alibi witnesses discussed by Tino Geddes: will they come forward, or was it true that the alibi was fabricated? Krishna Maharaj has some explaining to do - will he testify first or last, for surely he must take the stand? This will be the highest drama of the case, as the prosecutors try to attack the defendant and tear his testimony apart.

Then there have been hints of other suspects. How will Hendon prove this? And what of the scientific evidence? What experts will the defence present to call the ballistics proof into question, or try to explain what really happened in Room 1215?

But everyone is in for a surprise.

'The defence rests,' Hendon intones.

The defence rests, without calling a single witness ... It seems extraordinary. Can Hendon really present no witnesses at all, not try to rebut anything the prosecution said?

The written page of the trial record does not reveal the reaction of those in the courtroom. Later I would review this moment with Ron Petrillo, an investigator who did some work on the case for Hendon. He described the scene.

'Eric stands up to begin the defence portion of the trial, and he simply says, "The defence rests." The prosecutors' jaws drop, their mouths fall open ... I think they are going to fall off their chairs. Maharaj is holding my arm so tight I thought he was going to draw blood.'²

There is a sense of anticlimax in the courtroom, enhanced because it is the end of the day. The jurors are sent home with instructions that the next morning they should bring suitcases packed. They might be out

deliberating for several days, and during that time they will not be allowed to separate and will have to spend the nights in a local motel.

The next morning is Wednesday, October 21st, one year and five days after the murders. The lawyers make their closing arguments. It is all very similar to their opening statements. Judge Solomon reads a lengthy recitation of the law, taking a little over an hour. Unusually, Solomon was not the judge who initially presided over the trial. That was Judge Howard Gross, but on the third day he had not appeared on the bench and had been replaced by his colleague, for reasons that had not been explained to the jury.

Then comes the moment - 10.23 a.m. - when the jury is sent out to consider its verdict.

Waiting on the jury verdict is agony for everyone. What is Krishna Maharaj meant to do, in the holding cell behind the courtroom, alone? Marita, his wife, is alone in the courtroom, not allowed near her husband. He seems so sure of acquittal, but she cannot be so certain, despite her faith in him - her Kris couldn't have committed this murder! But the prosecutors seem confident as well, and there has been no real response from the defence. Members of the Moo Young family are sitting in the audience, behind the prosecution, and they are tense as well, wanting justice for Derrick and Duane. Eric Hendon leafs nervously through papers at his table and goes out to make some telephone calls. The prosecutors go back to their office, as they can return within minutes of the judge's call.

This can go on for hours, for days ... waiting for the jury to decide.

But this time it doesn't. The jurors' discussion is brief, interrupted as they eat the sandwiches that are brought in

for their lunch. They return at eight minutes past two. They have a verdict.

The twelve jurors and an alternate file back into the courtroom, taking up the same seats they have occupied throughout the trial. They do not look at anyone. To guess the outcome of a jury's deliberation is like reading tea leaves, but a quick verdict is rarely good news for the defence. It tends to take more time for twelve jurors to agree to acquit someone than it does to convict.

The tension rises as the verdict sheet is passed to Judge Solomon, who looks at it impassively, conscious that every eye in the courtroom is on him. He then hands it to the clerk to be read out.

'As to Count One, the murder of Derrick Moo Young. Guilty.

'As to Count Two, the murder of Duane Moo Young. Guilty.

'As to Count Three, the armed kidnapping of Derrick Moo Young. Guilty.

'As to Count Four, the armed kidnapping of Duane Moo Young. Guilty.

'As to Count Five, the unlawful possession of a firearm. Guilty.'

They are unanimous. Krishna Maharaj is guilty beyond a reasonable doubt on all charges.

The lawyers and the defendant have been standing as the verdict is read, but Maharaj has slumped down, falling to the floor. He has fainted.

The judge has allowed both sides two weeks to get ready for the penalty phase. The jury will now make a recommendation as to whether Krishna Maharaj will live or die. Technically, the jury's vote will not be binding on Judge Solomon, who will make the final decision. But their conclusion will be entitled to significant weight, and few elected judges in Florida will override a jury's death

sentence, reducing it to life. More will elevate a life sentence to death.

The prosecutors make their case for execution by calling the pathologist, Dr Charles Wetli. Wetli conducted the autopsies on both Derrick and Duane Moo Young. Derrick could have been conscious after being shot – and may have suffered for several minutes. With Duane, the doctor agrees, the shooting could be described as ‘execution-style’.

When the prosecution rests, all eyes turn again towards Hendon, wondering whether he will present any evidence. The case he makes to spare Krishna Maharaj’s life is brief, but at least there are some witnesses. They are impressive people. Hendon turns to the bailiff and asks him to summon Mervyn Dymally, a US Congressman from California. Dymally is friends with Maharaj, and believes him to be a gentleman. Next, a judge and a surgeon, both from Trinidad, praise the defendant’s generosity. Levi England had been the defendant’s attorney in the civil litigation against the Moo Youngs, and he testifies that Maharaj was going to win his suit for the money they had allegedly stolen from him – so why, Eric Hendon wants the jury to wonder, would he need to kill them?

And here is Maharaj himself, finally taking the witness stand to insist on his innocence and express his belief that he will ultimately be vindicated. He describes how he made his money, and how he owned racehorses in Britain. ‘I had a firm of accountants, who advised me to buy horses because it was a tax write-off.’

He first met Derrick Moo Young in 1965. Fifteen years later they went into business together, buying property in South Florida, with Krishna putting up the money and Derrick renting out the houses. Later Derrick started embezzling the funds. ‘But I say, praise God,’ the man on trial testifies, ‘what he took from me I could afford. It