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EARLY DADE EDITION

CRIME

Feds drop 27 drug cases against local head shops

■ Miami federal prosecutors dropped drug-related charges against 27 operators of South Florida head shops — in an undercover probe dubbed “Operation Cedar Sweep.”

BY JAY WEAVER
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Federal agents dubbed the case “Operation Cedar Sweep,” zeroing in on South Florida head-shop owners of mostly Lebanese descent. Some were suspected of selling “cut” for cocaine and sending profits to the Middle East for possible terrorist activities.

But after a two-year FBI investigation with undercover police officers, Miami federal prosecutors lacked evidence to make terrorism support cases. And this week, prosecutors also decided to drop drug-related charges against 27 defendants, many detained since their arrests early this year.

“Dropping charges against a

few defendants is not that unusual,” said attorney David Weinstein, former chief of the narcotics and national security sections at the U.S. attorney’s office in Miami, who was not involved in the Cedar Sweep probe. “Dropping charges against 27 defendants connected together in one investigation is highly unusual.”

The U.S. attorney’s office, which traditionally does not explain why it drops charges, issued a statement, saying “new information surfaced that, in our discretion, made it appropriate to dismiss the charges.”

“At this time, I cannot provide

• TURN TO HEAD SHOPS, 1A

• HEAD SHOPS, FROM 1A

further details of what that information entailed, as it is not in the public record,” said Alicia Valle, special counsel to the U.S. attorney.

She described the investigation as “Operation Clear Cut” in an email to The Miami Herald — not “Operation Cedar Sweep,” which defense attorneys say refers to the Lebanese national tree and a prominent symbol on its flag.

In February, the U.S. attorney’s office issued a press release crediting the investigative work of nearly a dozen federal and local enforcement agencies that led to the 13 narcotics-related indictments of 27 defendants, all owners or employees of head shops in South Florida. Among the targeted shops: Mushroom Novelty & Gifts, Hip Hop Gift Shop and Rainbow 7 in Miami-Dade, as well as head-shop operators at the Oakland Park Flea Market in Broward.

The defendants were accused of selling “cut” — mixtures containing regulated pharmaceutical products such as lidocaine, tetra-

cocaine or benzocaine — to drug dealers who would use it to bolster their production of cocaine or heroine to maximize street profits.

Prosecutors charged the head shop owners and employees with conspiring to aid and abet the manufacture and distribution of controlled substances, attempting to aid and abet the manufacture and distribution of controlled substances, and selling and offering to sell narcotics paraphernalia.

Convictions carried penalties up to life in prison.

The charges were based on undercover cases directed by the FBI’s counter-terrorism section, with assistance from the Drug Enforcement Administration, IRS and Immigration and Customs Enforcement. Federal agents deployed undercover officers from Miami-Dade Police and other local departments, who posed as drug dealers seeking to buy cutting agents and other supplies for the trade.

Prosecutor Brian Frazier, of the U.S. attorney’s national security section, said in a court filing that the defendants at one head shop “sup-

plied the needed ingredients and items in the belief that the undercover agent was a narcotics trafficker really engaged in the actual cocaine business.”

But defense attorneys countered that the prosecution’s cases were flawed because their clients didn’t break the law during the sting operations.

“They sold legal products that you can find at a GNC,” said Miami attorney Joseph Rosenbaum, who represented Khaled Nabil Ismail and Mohamad Ali Jawad, operators of a head shop at the 7th Avenue Flea Market. “No drugs were ever found on the premises. No crime was ever committed.”

Added another defense lawyer in one of the cases, Rick Docobo: “You can’t conspire to aid and abet a nonexistent crime.”

Defense attorney Norman Silverman of Texas, put it another way. “The police officers came in and pretended to be drug dealers,” he said. “What was missing? The defendants did not have a stake in the outcome of the pretend intentions of the police officers to manufac-

ture cocaine.”

Weinstein, the former federal prosecutor, said the head-shop cases likely started when the FBI’s counter-terrorism section uncovered potential evidence tracing money that had been received by a terrorist suspect in the Middle East from one of the South Florida head-shop owners.

He said that federal agents tried to establish a stronger connection by focusing the undercover operation on the dozen or so head shops — but in the end, evidence for a terrorism support case fell short. So, prosecutors opted to charge the owners with drug-related charges, with hopes of flipping some to provide inside information about potential terrorism support in the Middle East

But that didn’t happen.

Weinstein speculated there were aspects of the terrorism investigation that would have come to light had prosecutors taken the drug-related charges to trial. So, he said, they likely dismissed the indictments because of “some greater national security interest.”