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Julio Lazo didn't spend six months in jail because a judge thought he was lying A he never even got a chance to speak

They're Gonna Live Forever

Federal officials have spent an eternity trying to put the founders of Fort Lauderdale's Life Extension Foundation behind bars

**BYLINE:** By Art Levine By Steven Almond

**BODY:**

A few months ago, while **Walter Reynoso** was having a cup of coffee in the federal courthouse downtown, he was approached by a distraught cafeteria worker who recognized the Coconut Grove criminal **lawyer**. Martha Rodriguez, a Nicaraguan immigrant, began crying as she told Reynoso about her son, who was being held without bond in the Dade Pretrial Detention Center. Nineteen-year-old Julio Lazo had been arrested the previous November and charged with trespassing and witness-tampering, in connection with a murder investigation. It looked as if Lazo might never get out, said Rodriguez. Like all mothers, she was convinced her son was innocent. Though a bit skeptical, Reynoso told her he'd look into it.

A mother's intuition appears to have been right: Early in May the Dade State **Attorney's** Office dropped the charges and Julio Lazo walked out of jail a free man, as did fellow defendant Oscar Sanbrana, also nineteen. For the previous six months, however, a central tenet of constitutional law appears to have been ignored: Neither Lazo nor Sanbrana was ever given a chance to present his side of the story in court. "The system failed," declares **attorney** Jose Dorta, who worked on the case pro bono for Reynoso's firm. But to the judge and prosecutors who demanded that Lazo be kept in jail without bond and prevented him from testifying in his own defense, no apologies are necessary. "I heard strong evidence supporting the allegations that this defendant was

threatening a witness and the witness was going to be killed," asserts Circuit Court Judge W. Thomas Spencer, who denied repeated requests that Lazo be allowed to post bond or present witnesses on his behalf. The former lead prosecutor in the case, Thomas McCormack, adds darkly, "The way the threats were coming, and just the behavior of these people, was consistent with gang activity."

"I didn't think I'd ever be allowed to speak," Julio Lazo says now of his incarceration. "I thought I was sunk."

The accusations against Lazo are part of a complex, often contradictory, web of fear and confusion that began with the 1993 murder of Carlos Santamaria, the eighteen-year-old victim shot to death in a dispute over a motor scooter. On a hot August night Elvis Morales and Reynaldo Cuello-Tito set off on a bicycle A with Morales on the handlebars A to look for the suspected thief of Cuello-Tito's scooter. According to Morales and several other witnesses, Cuello-Tito found Santamaria in the vicinity of NW Second Street and Seventh Avenue, accused him of stealing his scooter, and then shot him three times. The murder trial is scheduled to begin July 5.

It took nearly six months for the police to track down and arrest Cuello- Tito. In the meantime, Julio Lazo and his **lawyers** say, Santamaria's family and friends -- Lazo included -- were engaged in some detective work of their own. Lazo says that when he and his friends discovered that Morales had been present at the scene, they began pressuring the witness to tell them who had killed Santamaria. They had no idea, insists Lazo, that Morales was cooperating with police and had already identified the alleged murderer as Cuello-Tito.

On November 23 Morales was attending classes at Miami Senior High School when, he later told police, Lazo and Oscar Sanbrana turned up and threatened to kill him if he testified about the murder case. Morales reportedly ran off to find a City of Miami policeman and the two teens were arrested. Morales later testified that a few days earlier, Lazo had also said to him, "You owe me one and you're not going to save yourself from this one," which Morales took to be a threat. (Lazo and Sanbrana have denied making any murder threats; Lazo has claimed his prior statement simply referred to Morales's obligation to reveal the name of the murderer.)

To prosecutor Thomas McCormack, the immediate threat to Morales was clear. "This guy was afraid for his life. He came into my office at least three times saying that these people had told him, 'Don't testify or else we'll kill you.'" McCormack admits, however, that he is puzzled as to why Lazo and Sanbrana would have threatened Morales about testifying at the trial of their friend's alleged murderer. "I don't have an explanation for that. They may have been confused about what he was testifying to," he speculates.

To **Walter Reynoso** the matter is not nearly as mysterious. "There was such a lack of motive here for witness tampering," the **attorney** argues. "The charge didn't make any sense."

After the arrest of Lazo and Sanbrana McCormack requested an emergency hearing and asked that it be held ex parte, meaning that only one side would be permitted to state its case. Normally such hearings are held in a judge's chambers, but this one, on December 14, took place in an open courtroom, while the defendants' public defenders stood by helplessly, protesting the proceedings.

"If it's done in open court, it should be an open hearing," assistant public defender Frederick Bragdon argues now. "It's odd that we weren't allowed to challenge the evidence, while they were rubbing our noses in it." Indeed, Lazo was kept in a holding cell in the courthouse as Morales listed the various threats that allegedly had been made against him. "They said I was a snitch, and they told me they were going to kill me, and that everybody was going to beat me up," he testified.

As the proceedings continued, Bragdon and a colleague attempted to invoke the defendants' right to appear in court: "Judge, we object to the continuance of this."

Judge Spencer's reply: "Overruled. Actually, I'm conducting an ex parte hearing. I won't recognize objections."

Spencer denied bond for Lazo and Sanbrana, and also denied phone privileges from jail. "If they could have come up with witnesses," the judge says today, "they could have presented their case, but they didn't want to. They never took further action. In this case no testimony was ever presented that they Lazo and Sanbrana were not a threat to the community."

The judge confirms that the defendants' purported gang ties had something to do with his ruling, and with his subsequent refusals to grant bond. The officer who arrested Lazo and Sanbrana wrote in his report that the murder victim had been a "gang member associate" of the pair. Morales also stated that Lazo belonged to a gang called the Second Street Fellas, and that he had been stopped on his way to court that day by friends of Lazo warning him not to testify. (A prosecutor familiar with the case says today that he doesn't think the murder or the alleged episodes of witness-tampering were gang-related.) In any event Lazo is, in the words of **attorney Walter Reynoso**, "no Snow White." At the time of his arrest he was enrolled in a pretrial- diversion program for first offenders, having been picked up for attempting to burglarize a car.

No witnesses testified at a subsequent hearing on February 3, when bond was again denied. On April 15, when Lazo's new **attorney** Jose Dorta was granted another bond hearing, he brought to

court six witnesses to testify on Lazo's behalf A including relatives of the murder victim and witnesses disputing Morales's version of the November confrontation. But Judge Spencer refused to permit the witnesses to testify. "**Counsel**, you know, I can only hear the same argument just a couple of times. Then I don't have to hear it time and time and time again," the judge declared.

Dorta contended that Spencer had never actually heard a full defense of the charges against Lazo. "Basically," he argued, "the presumption of innocence is being thrown out the window on behalf of my defendant." Bond was denied nevertheless, and Lazo and Sanbrana remained in jail.

Finally, on May 3, at Dorta's request, Morales gave a detailed deposition in which he recanted his accusation that Lazo and Sanbrana had threatened to kill him. Deborah Gross, the assistant state prosecutor, sat in on the deposition and dropped the charges two days later. "I felt he was being harassed," she says, but adds that the evidence wasn't sufficient to support a criminal charge of witness tampering. (Other prosecutors who worked on the case speculate that Morales changed his story because he was afraid, or that his earlier account was misinterpreted. "He had a hard time expressing himself in English," Gross says of Morales, whose native tongue is Spanish.)

Even though his client has finally been released, Reynoso is still upset over the long-standing refusal to grant Lazo an opportunity to defend himself. "I was pretty outraged that the judge never heard any witnesses except this one kid who made the charges," asserts the **attorney**; Reynoso says Lazo is contemplating filing a false-imprisonment suit.

In the current climate of mounting rancor about the cost of health care, radio-show host Bill Faloon broadcasts a tempting message. "Ladies and gentlemen, I contend that the Food and Drug Administration, along with the pharmaceutical drug cartels they support, are engaged in a conspiracy to commit genocide against the American people," Faloon tells listeners. "We estimate that the FDA, by denying the public access to life-saving drugs, is responsible for the murder of millions of people, and we do intend to bring them up on war-criminal charges."

As host of Life Extension Breakthroughs, a call-in show that aired until recently on Saturdays from 5:00 to 6:00 p.m. on WINZ-AM (940), Faloon urged his audience to avoid the FDA's draconian regulations by seeking alternative drugs and therapies via his nonprofit company, the Fort Lauderdale-based Life Extension Foundation.

Most callers were smitten.

"I'd love to join your group!" enthused Iris from Miami during one broadcast.

"I totally agree with everything you're saying!" seconded Marcia from North Miami.

"A fascinating program!" observed Bob, another Miamian. "Absolutely fascinating!"

What Iris and Marcia and Bob probably didn't know is that Faloon's show is an infomercial, that the foundation paid more than \$2000 for each hourlong slot on WINZ. The new fans also probably had no idea that Faloon, 39, and his partner Saul Kent, 55, are under federal criminal indictment for allegedly importing unapproved drugs into the U.S. through phony foreign companies. Though these firms advertised their products as effective in battling everything from the common cold to cancer and AIDS, FDA officials claim some of these remedies are lethal if not administered with medical supervision. Others, according to the agency, simply do not work.

Faloon, nonetheless, is still publicly recommending the use of many of these cures, and his Foundation is referring its members to purveyors who distribute them. In fact, Faloon says, government persecution has been a boon to his mission, and that membership in the foundation has more than tripled to 15,000 since the FDA raided Life Extension's warehouse in 1987. The November 1991 unsealing of a 27-count criminal indictment did little to deter Faloon and Kent from their foundation-related work, particularly as it relates to the distribution of unapproved drugs. The pair, each of whom remains free on \$825,000 bond, cast themselves as fearless crusaders who are paying the price for standing up to the FDA. Just a few months ago they opened the FDA Holocaust Museum, a one-room storefront in Fort Lauderdale plastered with propaganda decrying the evils of the regulatory agency.

"We're not afraid of the government," Faloon insists.

And he has good reason not to be. The government, after all, has shown little ability or inclination to actually bring Faloon and Kent to trial. While the defendants have hired a trio of defense **lawyers**, the U.S. **Attorney's** Office has bounced the case like a Ping-Pong ball between federal prosecutors. The trial date has been delayed a half-dozen times; nearly three years after the indictment, no date is currently set. Last month, in fact, the entire case file A all nine volumes A was transferred from federal Judge Jose Gonzalez to a new judge, Daniel Hurley.

The cat-and-mouse proceedings began more than ten years ago, when Stephen Ruddel, an eccentric real estate mogul, put up \$100,000 seed money for Faloon and Kent to launch the Life Extension Foundation. The partners were prominent members of a movement devoted to attaining immortality through technology and experimental drugs A or "nutritional supplements," as Faloon calls them. Besides providing information about alternative health research, the foundation made no secret of its efforts to sell these drugs, which weren't approved by the FDA for use in this country, through a booming mail-order business.

In 1986 a Hollywood Police SWAT team raided Ruddel's office and discovered what they characterized as a cocaine lab. Ruddel was arrested on drug- trafficking charges; he later entered into a plea agreement on drug- possession charges. Eight months later FDA agents raided the Life Extension Foundation warehouse, located in the same building as Ruddel's office, and seized hundreds of products and documents.

Undaunted, Faloon moved the foundation's headquarters to Davie. Saul Kent relocated to Riverside, California (where he still lives) to tend to his ailing mother.

"Tend" doesn't really do justice to what happened next, however.

Faloon and Kent are both disciples of cryonics, a process grounded in the theory that doctors will eventually develop the technology to bring the dead back to life -- if they have been properly frozen.

In December 1987 Kent checked his dying mother out of her nursing home and transported her to Alcor, a cryonics laboratory in Riverside. Within hours Dora Kent was dead, and a team of lab technicians A none of them actual doctors A had cut off her head. The Riverside coroner eventually ruled Dora Kent's death a homicide; police raided Alcor, but no charges were pressed. The location of Dora Kent's head remains a mystery.

In Florida, meanwhile, two grand juries were poring over evidence of the Life Extension Foundation's shady dealings. According to the indictment handed down in 1991 Faloon and Kent shipped unapproved drugs into the U.S. and sold them to foundation members through two overseas companies -- the Longevity Institute and the Hauptmann Institute -- that amounted to little more than mail drops. Prosecutors contend that the defendants went so far as to create fraudulent promotional material for these outfits, and they intend to prove that Dr. Karl-Gustav Hauptmann, director of the Hauptmann Institute, is nothing more than a model in a lab coat.

Faloon and Kent counter that the now-defunct companies were real and that they did nothing more than direct their members to sources that could supply the drugs they sought. "We can't get into the specifics of our defense strategy at this time," Faloon says. "But we look forward to presenting our side of the story at trial."

In the meantime their **lawyers** have filed voluminous pretrial motions, which have helped to delay the proceedings. In all the defendants have filed seven motions to dismiss the case, plus an eighth to suppress the evidence collected during the 1987 raid. The motions, which include thousands of pages of documentation, required two separate evidentiary hearings. Last month, before he transferred the case, Judge Gonzalez denied all eight motions.

By Faloon's estimate, the legal work has cost him and Kent \$1.2 million so far; Faloon says the money for their defense comes primarily from the foundation's \$50 annual membership dues. "Though we are nonprofit, we do generate a surplus here, a healthy surplus," he explains. "In addition to membership, we sell books and tapes and vitamins." Faloon says the Foundation also donates money for research, primarily cryonics-related.

It is impossible, however, to establish precisely how much the foundation earns, because Faloon and Kent have not submitted tax returns since 1987. Faloon blames this lapse on the FDA. "Ever since they seized our financial records, we have been unable to prepare returns," he says. They failed to file returns for any of the six years following the seizure, he adds, because "tax returns go in progression. You can't just start from scratch."

One former employee of the Life Extension Foundation claims Faloon and Kent have flouted the IRS intentionally. "Back in 1985 Bill and Saul reported \$300,000. They actually took in more like four or five million," says the source, who is now a federal witness and who requested anonymity. "These guys try to sell themselves as true believers, but they're nothing more than drug smugglers who are being allowed to continue a criminal enterprise."

Faloon denies the ex-employee's claims. "We have been offered to plea-bargain this whole thing out," he notes indignantly. "We could have a real light situation occur. But we don't accept that. To us this is a life or death situation, because if the FDA maintains their dictatorial control over health care and medical research, we will age normally and die. We have done nothing wrong. Certainly we've had no complaints from our 15,000 members, other than allergic reactions. We simply believe the terminally ill person should have access to any drug they want."

Most doctors tend to disagree. They argue that directing the terminally ill to unapproved drugs engenders two risks: that the intended remedy will prove harmful; or, more commonly, that wishful experimentation will delay a patient from seeking proven treatments. On his radio shows, for instance, Faloon frequently derides chemotherapy as a deadly practice. He recommends instead that listeners call his Life Extension Foundation to learn about " nontoxic alternative therapies."

Those alternative therapies can also be encountered at the FDA Holocaust Museum, the back room of which operates as the Foundation's makeshift headquarters. The one-room museum, tucked in a strip mall at 2490 Griffin Rd., is blanketed with exhibitions that consist mostly of books and articles about life extension, as well as placards equating the FDA to Nazis. The video library comprises a TV set and VCR stationed on one side of the room. Next door, at the foundation's tiny retail shop, customers can choose from a variety of health products, including Cognitex (a brain nutrient) and Cartilade (a tumor-shrinking product derived from shark

cartilage).

During one recent weekday visit, a New Times reporter posing as a visitor was greeted by Steve Hennenfent, the museum's curator.

Though he was in the midst of a phone conversation with a cancer patient's family about alternative cures for cancer, Hennenfent popped a tape into the museum's VCR for his visitor to watch. The video trumpeted the wonders of ozone, a bluish gas made up of three bonded oxygen molecules that some believe can cure AIDS and other diseases. (The FDA has not approved ozone for medical use; the gas can be lethal if not administered correctly.)

After he finished his conversation with the cancer patient's family, Hennenfent offered to sell the visitor an ozone machine for \$1500.

"Wouldn't that be illegal?" the reporter asked.

"Not if the machine is officially used for water purification," Hennenfent said.

"But how would I know how to use it for medical purposes?" the reporter persisted.

"I could supply you with the protocols instructions for how to use it," Hennenfent offered.

When asked about ozone, Bill Faloon initially told New Times the Life Extension Foundation had taken no position regarding the controversial remedy. "We don't know if it works or not," he conceded.

After being informed of Hennenfent's pitch, Faloon responded, "That has nothing to do with us. We've got a lot of people here who do things like that, and frankly that's part of why we've had problems here. I've got to figure out what's going on."

As of June 25 Faloon will be buying airtime for his Life Extension Breakthroughs program on WPBR-AM (1340) in West Palm Beach.

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