

## 'Scarface' Al Capone cleared of perjury in mock trial

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The characters hailed from 1930, but the lawyers reenacting Alphonse ``Scarface'' Capone's July 1930 Dade County perjury trial Tuesday performed on a familiar stage: the courthouse, where acting, theatrics and drama unfold daily.

There was the scowling gangster, clad in a black suit and fedora, three famous scars across his cheek. The blustery lawman, sporting a straw boater hat and a facial tick. The raven-haired juror, analyzing it all from beneath an alluring floppy brimmed hat.

``Al Capone is just a good Catholic boy. He's certainly made some mistakes in other states -- but here he's a clean slate," said Miami defense lawyer Bruce Lehr, playing the role of Capone's lawyer, Vincent C. Giblyn.

``Mr. Capone has terrorized this community with his liquor runnin', houses of ill-repute -- and now his lies!" hollered Miami-Dade prosecutor Howard Rosen, who portrayed Assistant County Solicitor Richard H. Hunt.

The meticulously prepared Capone reenactment was part of the 11th Judicial Circuit's centennial celebration, a year-long series of events aimed at celebrating Miami-Dade's rich court history.

``It's important to mark this historical occasion to remind citizens that our court system is one of the foundations of our country, to show people that due process works," said Miami-Dade Chief Judge Joel Brown.

Of the lawyers cast for the performance, only one boasts formal acting experience: Bill Altfield, a senior Miami-Dade public corruption prosecutor who played Dade Public Service Director S.D. McCreary, the equivalent of Miami-Dade's police director today. Altfield is president of The Miami Acting Company, a local stage troupe.

Lawyer Maria D. Garcia, 28, who portrayed court reporter J.E. Kelly, last acted as Wendy in a high school production of *Peter Pan*.

But most of the cast drew on their own courtroom experiences.

``It's all acting," said Lehr, a veteran of 360 jury trials. ``It doesn't matter if the facts are real, given to you by a client or in a script. The presentation is all the same."

The setting of this presentation was impressive: the historic Miami-Dade County Courthouse, 73 W. Flagler St., in courtroom 6-1, with its beautifully restored wood carved ceilings and ornate wall-mounted candelabras.

The cast also cobbled together a convincing set of visuals.

Civil lawyer Juan C. Martinez, playing Capone, sported three prosthetic scars on this left cheek. Lehr, like Rosen and prosecutor Charlie Johnson, rented period suits and two-toned shoes, while Alfield sheepishly admits he fished an old tattered suit from his closet.

Sharon Ellis, a lawyer and commercial real estate executive at Howard Ecker & Co., used her own knee-length dark skirt, pink sweater, pearls and floppy hat to portray one of the 10 jurors.

“It’s just my beach hat. I put a flower on it so it looks kind of like from the ‘30s,” said Ellis, who researched her role by watching HBO’s TV series *Boardwalk Empire*, a period gangster show.

But the meat of the trial was the lawyers themselves, who fashioned their antics from the trial transcripts, including a rare one of Capone’s testimony unearthed by Circuit Judge Scott Silverman, the court’s historian, who portrayed Judge E.C. Collins.

The backdrop: In March 1930, in the waning days of Prohibition, Capone relocated to Miami Beach. But police constantly harassed him, raiding his mansion, arresting him simply to investigate him or charging him with “vagrancy.”

Frustrated, Capone pressed charges against McCreary, alleging the lawman falsely imprisoned him. After those charges were dropped, prosecutors charged Capone with perjury for allegedly lying in court about the lawman’s conduct.

“Does it come as a great surprise that Alphonse Capone would lie in court?” Johnson snarled, portraying Dade County Solicitor G.E. McCaskill, in his best Southern accent. “This man is the most notorious figure in America!”

“Objection,” yelled defense lawyer Roberto Pertierra, playing one of Capone’s attorneys, J. Fritz Gordon. “This is character assassination!”

After Capone read his testimony into the record, McCreary stole the show, painting the gangster as the scourge of “Miam-uh,” who had sneaked into his law-abiding town “like a rat.” Alfield added a last-minute facial twitch to the character -- quickly lampooned by the sharp defense attorneys during cross-examination.

“Are you enjoyin’ makin’ fun of mah physical manifestation, sir?” Alfield ad-libbed.

In the end, Public Service Director McCreary came off as the villain. Capone, as Pertierra finished his final arguments, gleefully shook the hands of the 10 jurors -- a fictional twist because in 1930, Judge Collins, not a jury, actually meted out justice.

The verdict of the judge and mock jury: not guilty.