

Ex-Miami Commissioner Sentenced to Year in Jail for Voter Fraud Cover-Up

Aug. 20, 1998

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A former Miami City Commissioner was sentenced today to a year in jail, the maximum penalty, for trying to cover up voter fraud in last November's election. The former commissioner, Humberto E. Hernandez, until recently one of the city's most powerful politicians, had been convicted on a misdemeanor charge.

Last Friday, a jury found Mr. Hernandez, 35, guilty of being an accessory after the fact to a conspiracy to cover up the fraudulent absentee votes cast by a former City Hall secretary and her husband, a Miami police officer. The scheme was part of a pattern that, prosecutors said, enabled Mr. Hernandez to clinch a comfortable victory in his district in the citywide elections.

He was acquitted of the more serious charges on which he was tried, including conspiracy and the fabricating of evidence. On Monday, however, Gov. Lawton Chiles removed Mr. Hernandez from his post as commissioner.

Mr. Hernandez appeared to choke back tears today, his head bent forward, as Judge Roberto Pineiro of Circuit Court meted out the sentence with a stern lecture.

"I cannot envision a more felonious misdemeanor than the one you were convicted of," Judge Pineiro said. "Our elections must be fair, free and untainted by even the hint of fraud to insure the continued existence of that democracy. You sought to destroy all this simply for your political advantage."

Mr. Hernandez's legal troubles continue. Since late May, he has been in custody awaiting trial in Federal court on charges of mortgage fraud and money laundering. His father and his former chief of staff, who are behind bars, face similar charges. That trial is scheduled to begin late next month.

Officials say that Mr. Hernandez will have to serve his misdemeanor sentence separately, in a county jail.

Mr. Hernandez had close ties to Xavier L. Suarez, who won last November's mayoral election, but was removed from office earlier this year after his opponent, Joe Carollo, filed a civil suit saying that the election was invalid because it was tainted by widespread voter fraud. During that trial, lawyers for Mr. Carollo, who narrowly lost the election, charged that hundreds of absentee ballot votes cast in favor of Mr. Suarez were either invalid, cast by people who gave false addresses or, in one case, cast in the name of a person who was dead. In March, Judge Thomas S. Wilson Jr. of Circuit Court, voided the election and later ruled that Mr. Carollo should become mayor.

Mr. Hernandez, the son of Cuban immigrants, was known for his charm and his political connections. He enjoyed a large following in the Little Havana district.

His tangles with the law have been regarded here as the ultimate symbol of justice officials' fight against wrongdoing by powerful politicians in this scandal-plagued city of 360,000 people.

In the case against Mr. Hernandez, the most important evidence was a series of tape recordings in which he was heard discussing ways to explain why a City Hall secretary, Evelyn Herbello, cast her ballot using a false home address. Ms. Herbello, who became a prosecution witness after her name appeared in a local newspaper in connection with investigations of widespread voter fraud, agreed to wear a wire.

As his legal situation worsened, Mr. Hernandez lashed out at his detractors on the Spanish-language radio stations here accusing them of targeting him because he is of Hispanic descent.

During the trial, Mr. Hernandez's lawyers asserted that he was being penalized for the actions of aides and friends who had committed fraud without his knowledge.