

Prominent Defense Attorney and Former Police Officer Mark Seiden Says Miami Officer is Justified in Shooting Death of Overtown Resident

Community on edge waiting for state attorney's office to conclude investigation

"Based on accounts I've heard to this point, this officer should not be charged simply to appease anger in the community." – Mark Seiden

MIAMI (August 20, 2010) – Prominent defense attorney Mark Seiden, who is also a veteran police officer, said the Miami officer who recently fatally shot an Overtown man during a traffic stop, did nothing unlawful.

"Based on the accounts I've heard, had the decedent simply followed the officer's directions and not gone back into the car and come out with something shiny in his hands, he would still be alive today," said Seiden of The Law Office of Mark Seiden, P.A., based in Miami.

Seiden, who is not directly involved in this case, completed a course in shooting reconstruction and also teaches how to investigate the use of deadly force by police officers to the detectives who investigate those shootings.

City of Miami police investigators have been working with the state attorney's office to determine what led rookie officer Joseph Marin to fire his gun and fatally shoot Decarlos Moore, a convicted murderer who was recently released from prison after serving time on a drug charge.

Seiden says the issue is not whether the decedent actually had a firearm or not. "The issue is whether the officer could have reasonably believed that based upon the decedent's action, his safety and the safety of his partner was in danger," said Seiden. "Under these circumstances, I feel that his belief was reasonable. Early in my career, I faced a similar situation."

Town Hall meetings have recently been held in Overtown to discuss the shooting that occurred July 7th. Moore's family attended the meetings looking for answers, though details of the investigation were not revealed.

"This officer should not be charged to appease anger in the community," said Seiden. "Veiled threats of community violence should never be the motivating factor in a decision as to whether charges should be filed or not. The officer made a life or death decision in a split second. By all accounts he was a good officer and a military veteran who had served his country in the Middle East. He did not wake up that morning intending to shoot someone. All of that should be taken into account when analyzing his actions."

Seiden represented Officers Luis Alvarez and William Lozano in police shootings which occurred in 1982 and 1988, both of which were in Overtown and resulted in rioting. Both men were acquitted.

"This latest police-involved shooting requires a dispassionate and fair analysis," said Seiden. "In the past, a former state attorney adopted a 'rush to judgment' attitude which resulted in police officers being wrongfully charged for political reasons."

"Past case law tells us that an officer's routine inquiry after a traffic stop should not result in the officer taking a bullet as an answer," said Seiden. "The recent shooting in which two police officers were shot and killed upstate after a traffic stop would have been fresh in this officer's mind."

As for the traffic stop that led to this police-involved shooting, "the driver of that vehicle knew the drill," said Seiden. "He had a criminal past. Why would he dive back into the car under such circumstances is mind boggling."

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Miami-based attorney Mark Seiden is the founder of the Law Office of Mark Seiden, P.A. (www.markseidenlaw.com). Mr. Seiden has been a defense attorney for 27 years. His practice areas are Criminal Defense, both trials and appeals. He has been recognized by his peers in Super Lawyers, Best Lawyers in America, The Bar Register of Preeminent Lawyers, and The South Florida Legal Guide. Mr. Seiden is "AV" rated by Martindale-Hubbell, the highest rating given to practicing attorneys.

Representative cases include: State v. William Kennedy Smith, State v. Officer William Lozano, State v. Eller Media, and State v. Officer Luis Alvarez.. For the past 15 years, Mr. Seiden has been, representing members of the Miami-Dade Hispanic Police Officers Association who become involved in police shootings.

While a member of the Metro-Dade Police Department from 1970 – 1981, Mr. Seiden served as a patrol officer, (Police Officer of the Year 1971) supervising sergeant, firearms and tactics instructor, and also held the position of detective sergeant. He honorably retired with the rank of sergeant in 1981. Mr. Seiden's training includes: Medico-Legal Investigation of Death, Criminal Investigation, Terrorism and Counter Terrorism, Advanced Arson Investigation, Police Weapons and Officer Survival, and the Art of Interrogation and Interview.

He has also completed a course in shooting reconstruction and teaches how to investigate the use of deadly force by police officers to the detectives who investigate those shootings.

Mr. Seiden received his law degree from the University of Miami School of Law in 1982. He received his undergraduate degree from the University of Miami in 1970, with a double major (Psychology and Sociology).

Mr. Seiden is often called-upon by the local and national media for his commentary regarding high profile cases.

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