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Rapper released from house arrest

C-Murder often broke rules, officer testifies

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After hearing a prosecutor and witnesses accuse Corey "C-Murder" Miller of violating conditions of his house arrest numerous times, a state judge Thursday turned down their request to jail the rapper and instead released Miller from his home confinement as he awaits retrial on a second-degree murder charge.

Judge Martha Sassone of the 24th Judicial District Court said Miller's participation in a home-monitoring program was causing "a burden" on the Gretna Police Department, which runs the program in Jefferson Parish.

Miller, 35, had been under house arrest since March 20 after posting a \$500,000 bond that Sassone set. He is charged with second-degree murder in the Jan. 12, 2002, killing of Steve Miller, 16, at the now-closed Platinum Club in Harvey.

Sassone said Thursday she felt "comfortable" that Miller had not violated conditions of house arrest, except for a May 4 visit to a Smoothie King in Metairie during a court-approved outing during which police lost track of his whereabouts for more than 3½ hours.

Instead of having to wear a monitoring bracelet and stay at his grandmother's house in Kenner, Miller now can move freely in Jefferson and Orleans parishes but must be home from 10 p.m. to 6 a.m. He is barred from drinking alcohol and going to bars, and visitors to his residence are restricted, she said.

"You understand what the consequences are going to be?" Sassone asked Miller, suggesting she would revoke his \$500,000 bond and return him to jail. "I understand," he said.

The judge's decision drew smiles and gleeful gasps from Miller's family in the courtroom and an objection from Assistant District Attorney Roger Jordan. Citing a gag order, attorneys on both sides of the case declined to comment afterward. Miller, clearly happy with the day's events, also declined to comment as he left the Gretna courtroom with his girlfriend and family members.

Also charged in B.R.

About five months after Miller's September 2003 murder conviction, Sassone ordered a new trial, siding with the rapper's attorneys who accused prosecutors of illegally withholding criminal background information on their key eyewitnesses. Such information could have helped the defense's case.

In March, after months of appeals, the state Supreme Court upheld Sassone's decision. Days later, she ordered him into the home incarceration program as a condition of bail. A new trial date has not been set.

Miller also was released from jail on \$250,000 in Baton Rouge, where he is charged with two counts of attempted second-degree murder in an incident outside a nightclub in August 2001. Sassone on Thursday left the bail amount she set intact.

Frequently 'out of range'

Prosecutors had filed a motion seeking to revoke Miller's house arrest on June 8. His whereabouts were tracked through a monitoring system involving a transmitter on his ankle that sends a signal to a receiver box in his residence.

Gretna police Lt. Dennis Gordon, who has overseen the parish's house arrest program since April 2000, testified that Miller was "out of range" numerous times.

The equipment was functioning properly, he testified, and he told Sassone he thought Miller's participation in the program should have been revoked. Gretna police attempted to revoke Miller's home incarceration privilege on June 5 because he was out of range and in arrears on home incarceration fees.

Miller's attorney, Ron Rakosky, suggested that the equipment was not working properly, and the times his client was out of range were for "ridiculously short periods of time," typically between 10 and 20 minutes. He said the monitoring system couldn't tell how far Miller was outside the electronic perimeter. "Maybe a foot, maybe 100 feet. You don't know," Rakosky said.

Private security guards hired by Miller's legal team were posted to watch the residence to ensure he did not leave, Rakosky said, and Miller's grandmother, Maxine Miller, testified that her grandson had not left the home when police said he did.

Records unsealed

Also Thursday, Sassone lifted a secrecy order that had shielded the records of the home incarceration dispute that has unfolded since early May. The unsealing was requested by The Times-Picayune.

During the hearing, Miller's attorneys admitted that the judge and attorneys in the case had discussed the incarceration dispute during closed door meetings, including a May 24 hearing that the court had originally portrayed as a status conference on the case.

Rakosky described the holding of the hearing behind closed doors as an accident that resulted from a shortage of available courtrooms due to renovations at the courthouse.

In announcing that she was removing Miller from house arrest, Sassone also said she was lifting her seal on the home incarceration records. "Everything is wide open," she said. "There will be no more sealing."

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