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## Ruling will likely lead to prison for Snipes

### 'Blade' actor had appealed conviction on tax charges

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Free on bail for two and a half years after being sentenced to prison on federal tax charges, Wesley Snipes was issued another edict Friday that could soon close the walls in around him.

Snipes' appeal for a new trial and motion to interview the jurors who sealed his fate were denied. Senior U.S. District Judge William Terrell Hodges also revoked Snipes' bail and ordered the actor to surrender to federal officials to begin serving his sentence.

"The Defendant Snipes had a fair trial; he has had a full, fair, and thorough review of his conviction and sentence by the Court of Appeals; and he has had a full, fair, and thorough review of his present claims, during all of which he has remained at liberty," Hodges wrote in his 17-page ruling. "The time has come for the judgment to be enforced."

In a written statement, Snipes' Atlanta defense attorney Daniel Meachum said his client was "very disappointed but staying strong and positive."

"We ... will continue to press forward to pursue justice on behalf of our client whom we truly feel has received a great injustice. Not necessarily by the judge's decision, but by the misrepresentation of the government," it stated.

Hodges' ruling was one of the last glimmers of hope for the "Blade" trilogy film star, whose 2008 conviction in Ocala on three misdemeanor counts of willful failure to file income tax in 1999, 2000 and 2001 and 36-month prison term were upheld by a federal appeals court in July.

But it's not necessarily the last. Meachum said Monday he planned to appeal to the 11th Circuit Court of Appeals if his latest motions were denied, plus he did not rule out petitioning the U.S. Supreme Court to consider Snipes' case.

The lawyer's statement to the press Friday indicated he was "determined to exhaust all possible avenues in this matter."

However, the U.S. Attorney for Florida's Middle District, Robert E. O'Neill, who was the chief prosecutor at Snipes' two-week trial, said even in that event he expects Snipes, 48, will be required to report to prison immediately.

"Unless something unusual happens, this brings some finality to the case," he said Friday. "There has to come a point in time where the sentence was imposed and that's what appears is going to happen now."

Friday's ruling addressed several motions Meachum had brought to the court's attention, and which were argued before Hodges at the Ocala federal courthouse on Monday.

One concerned the defense's belief in jury misconduct, after Meachum said he

received two separate e-mails from two different jurors after the 11th Circuit's July 16 decision was reported. Those e-mails indicated other jurors had presumed Snipes' guilt before the trial and that the finding of the actor's guilt on the misdemeanors was "a deal that had to be made" because those first jurors didn't think Snipes would be sentenced to prison.

In denying that motion, Hodges referred to federal rules that prohibit jurors from testifying about discussions made during deliberations "except for extraneous prejudicial information, outside influence, or a mistake in entering the verdict onto the verdict form."

While the judge acknowledged the e-mails presented "a troubling set of circumstances," he pointed to several past court rulings that prohibit the admission of juror testimony, and cited a U.S. Supreme Court opinion that stated such inquisition into jurors' minds would lead to "the destruction of all frankness and freedom of discussion and conference."

Meachum also had raised concerns about the testimony of Kenneth I. Starr, Snipes' former tax adviser, who told the court as a government witness that Snipes had insisted to him in private he wasn't required to file income tax returns.

Starr, the defense claimed, was the subject of an ongoing federal investigation into fraud and money laundering offenses targeting celebrity clients at the time of Snipes' trial. Starr was indicted in New York in June 2010 on 23 counts and entered into a plea deal in September.

Despite the defense's attempts to paint Starr's testimony as "tainted," Hodges sided with the government's assertions that Starr was not a subject of federal scrutiny until after the trial.

"Snipes has no evidence to the contrary and the Court sees no need to conduct any evidentiary proceedings concerning the matter; it would be a classic fishing expedition," Hodges wrote in his ruling.

Adding that he found Snipes' characterization of Starr as the government's "chief" witness "hyperbolic," Hodges also wrote that even if Starr's illegal activities had been known at trial, "there is absolutely no reasonable probability that the outcome of the trial would have been different or that the absence of such information undermines confidence in the verdict."

In the two and a half years he has been free on bail, however, no one could accuse Snipes of dragging his heels when it comes to his career. He has appeared in three films since 2008, including "Brooklyn's Finest," "Gallowalker," and "Game of Death."

Most recently, he has been busy auditioning martial arts experts for upcoming production on his next film, "Master Daddy," which the actor described to Variety.com in October as "a multi-racial action comedy" that is "a mix of 'Kung Fu Hustle' and 'Meet the Parents.'"

The film is expected to be in production this fall and is slated for release in 2011. It's unclear how this latest wrinkle in Snipes' efforts to appeal his case will affect the production of the film.

According to the clerk's office in the Ocala division of the Middle District, Snipes will receive a notice either from the federal Bureau of Prisons or U.S. Marshals Office, notifying him where he needs to report and when.

He can be placed in any facility in the country. BOP spokesman Edmond Ross said Friday a designation process usually takes between two days and a week.

Placement in a facility is determined on "security needs, their offense, length of sentence, type of detainers against them from other jurisdictions, prior commitments, history of escapes, judicial recommendations," Ross added.

"Our policy is to attempt to place all inmates within a 500-mile radius of their residence," he said. Snipes, who was born in Orlando and also spent part of his adolescence in Florida, is believed to keep his primary residence in New Jersey with his family.

The federal BOP website shows Snipes' name and register number already has been entered into the records.

Under location, the actor is listed as being "in transit."

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