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MIAMI-DADE COURTS

Defendant flees, but beats new charge

■ Alphonso Gainer was acquitted in 2003 of the slaying of schoolteacher Lisa Scuddy. Now he has been acquitted of leading police on a high-speed chase.

BY DAVID OVALLE
dovalle@miamiherald.com

A Coconut Grove man who beat five separate murder trials — four of them for the 1996 robbery-slaying of a Miami schoolteacher — prevailed again at trial on Wednesday.

Then he went on the lam.

Alphonso Gainer, accused of leading police on a dangerous high-speed car chase through Coconut Grove in December 2010, was acquitted of felony charges. He was, however, convicted of one misdemeanor charge of resisting arrest without violence.

But Gainer never heard the verdict. As jurors deliberated, Gainer — who was free on bail — left the courthouse and vanished.

After the verdict was read, Miami-Dade Circuit Judge Lisa Walsh issued a warrant for his arrest.

"This is not his first time in the courthouse. He should know better," said Miami-Dade prosecutor Sally Weintraub, who tried Gainer this week and in the earlier trials.

• TURN TO GAINER, 6B

LOCAL & STATE

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MIAMI-DADE COURTS

Defendant disappears before verdict is read in latest trial

• GAINER, FROM 1B

Gainer, a felon with a long rap sheet, faces up to 364 days in jail on the misdemeanor conviction. He was also convicted on a slew of traffic infractions and also faces a charge of driving with a suspended license.

He could have gone to prison for more than a decade had he been convicted of felony fleeing and eluding, plus felony tampering with evidence.

"The bottom line is that the jury heard the evidence, weighed it and they came up with a verdict that was just and fair," said Miami-Dade Assistant Public Defender Madeline Acosta, who tried the case with Antonio F. Valiente.

Gainer's ability to beat jury trials has long vexed prosecutors and Miami police.

In May 2003, a jury acquitted Gainer of murdering teacher Lisa Scuddy at a Coconut Grove Miami Subs. Scuddy, a 28-year-old bride-to-be, was shot through the heart as she waited in the drive-through lane.

Gainer's three earlier trials in the Scuddy slaying ended in mistrials when jurors could not come to a unanimous decision.

Also in 2003, a jury acquitted him of the 1992 slaying of a Coconut Grove drug dealer.

In both cases, prosecutors relied on testimony of a co-defendant who wound up being convicted of manslaughter in the Scuddy slaying. Weintraub and her son, Assistant State Attorney Joshua Weintraub, tried Gainer in those cases as well.

Gainer also had two mistrials for the 1993 shooting death on a man in a botched drug deal. Ultimately, he pleaded guilty to manslaughter and served three years in prison.

Since his acquittal in the Scuddy case, Gainer has been in and out jail on minor charges, racking up convictions for possession of marijuana and fleeing and eluding police, which earned him 274 days in jail.

When he was arrested in Decem-

ber 2010, Gainer faced more than a decade in prison had he been sentenced as a habitual offender.

Miami police officers said they saw Gainer in a van off Grand Avenue. When he spotted them, Gainer took off "like a jackrabbit," Joshua Weintraub told jurors.

After a chase, Gainer pulled up in front of his apartment, ran inside and was suspected of flushing drugs down the toilet, Weintraub said. A police dog, Onyx, alerted handlers to the scent of drugs at the toilet, police said.

At trial, officers said Gainer told them he initially thought they were the FBI. "If I knew you all were MPD, I wouldn't have run," he allegedly told officers.

But Valiente, the defense attorney, picked apart inconsistencies in the testimony of the officers, saying they "trumped up" their testimony to justify picking on a man who was found with no drugs. He pointed out that Gainer drove a beat-up 1992 van.

"That it can even get up to 50 miles an hour on the street is questionable," Valiente said.



GAINER