

MIAMI MAYORAL CRISIS

Ruling makes Carollo mayor

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APPEALS COURT THROWS OUT ABSENTEE VOTES,
SAYS THERE'S NO NEED FOR NEW ELECTION

Carollo back as Miami mayor



Suarez says he'll keep on fighting

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The city without a mayor has a new one: Joe Carollo. In a stunning decision that provided a definitive resolution to Miami's leadership crisis, a state appeals court Wednesday declared the businessman-politician to be the city's mayor. They said the absentee ballots that deprived Carollo of a victory over Xavier L. Suarez in November are null and void because they were infected by fraud. And the panel called off a new election ordered by a trial court judge. "The consideration of the relevant case law and strong public policy considerations, lead us to the inescapable conclusion that the only appropriate remedy for this absentee voter fraud is the invalidation of all absentee ballots," said the judges from the Third District Court of Appeal. Jubilant, Carollo said, "Justice was served today. From the very beginning we had faith in the legal

system. Sometimes it works slow, but it works." Defiant, Suarez vowed to take his case to the federal courts. He also pledged to fashion a voter referendum to change the city charter and return him to office. "I have decided that I am going to stay in this political arena, and I am going to use the role of lawyer until the people of Miami have been heard," Suarez told cheering supporters, outside his home, about a mile from Carollo's. "I can tell you, we will not be denied." But he said that for now, "I accept the decision of the court." "I accept my opponent as mayor," he said, extending a tentative olive branch. "We owe him respect. But I will seek electoral and legal redress." The court's emergency ruling came hours after lawyers for both men appeared a circuit judge's



TIM CHAPMAN / Herald Staff

MAKING HIS POINT: Kendall Coffey, right, argues for Joe Carollo while Xavier Suarez's attorney, Joseph Portuondo, left, listens.

decision that had stripped Suarez of power. Judge Thomas S. Wilson Jr. had said that absentee ballot fraud was so rampant during the Nov. 4, 1997, election that state and local voter laws had been "totally frustrated."

Wilson called a new election for 60 days after his March 3 ruling. But the appeals panel instructed him to order Carollo installed as mayor for the remainder of a four-year term.

Carollo pledged he would meet and work with City Manager Jose Garcia-Pedrosa, a prominent lawyer and former Miami Beach city manager hired by Suarez to oversee the city's day-to-day operations.

The court decision triggered chaos at City Hall. Suarez aides, some in tears, some vowing to

return, packed their belongings to leave as reporters and television trucks flocked to the scene. Someone padlocked the doors to the mayor's office.

"This is like Ringling Bros. and Barnum & Bailey," said Commissioner Tomas Regalado. "Nothing surprises me anymore."

The prospect of further appeals did not deter the Carollo camp from planning his return to City Hall. A veteran of Miami's rough-and-tumble politics, he had been "weak" mayor under the old city charter. Now, he'll be a "strong" mayor with the powers of a chief executive.

"Joe Carollo is to be mayor of Miami," said attorney Kendall Coffey, who coordinated the vote challenge and argued before the appeals panel. "We're going back

to Judge Wilson to change the order so Joe Carollo will be mayor for the entire term — an executive term."

Co-counsel Joseph Geller said Carollo could be in the mayor's office by as early as noon today.

Since Wilson's ruling, both Suarez and Carollo had been mayors-in-waiting, while a paralyzed City Commission sat unable to name an interim caretaker of the largest city in Miami-Dade County.

Commissioners expressed relief that the crisis had ebbed. They pledged cooperation with Carollo.

"We've worked with Carollo in the past, in crisis situations," said Commissioner Wilfredo 'Willy' Gort. "There's no reason we can't work together now."

J.L. Plummer, another commissioner, said the leadership ques-

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