

CRIME FEBRUARY 27, 2015 12:20 PM

Defense attorney: Cops turned to resort worker to look for porn evidence

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The attorney for one half of a couple whose nationwide campaign of alleged fraud came to an end after they were caught using fake IDs to become managers of a Key Largo resort in 2013 says key evidence used in kiddie-porn charges against his client was illegally obtained by detectives.

The lawyer, Julio Margalli, said police used an employee at the resort, instead of a law enforcement officer, to go through the computer in which the illegal images were found.

Margalli's client, Robert Pearl, 41, has been locked up in the county jail in Key West since February 2013. He and his partner, and maybe-wife, Tamara Asada, were initially arrested after it turned out they used bogus identities to secure jobs at Gilbert's Resort, at the Jewfish Creek bridge in Key Largo.

It turned out the pair was involved in several cons around the country, most notably in California, Indiana and North Carolina.

The North Carolina incident was probably the most egregious example of how good Pearl and Asada allegedly are at separating people from their money. In that case, they fooled, for a time anyway, officials from several counties in that state. The ruse they used was to convince the officials they were representatives from a Botswana gem company looking to open facilities in the state.

No money ever exchanged hands, but Pearl and Asada received perks in the form of expensive meals and travel throughout the state from officials hoping their county would be chosen for what turned out to be the fake gem facility. The scheme almost worked until someone discovered Pearl and Asada were fugitives from California.

Pearl faces federal fraud and identity theft charges in Indiana stemming from a case in which he allegedly convinced investors there that he had connections with Apple Computers and was opening an Apple Store in the Fort Wayne, Ind.

He was so believable, the local school district almost contracted with Pearl so he could be its sole provider of Apple computers.

That lasted about six months before John Bowers, an attorney for an Indiana business the couple reportedly swindled, thought things didn't add up. Pearl and Asada skipped town when Bowers confronted them -- but not before they allegedly got away with more than \$100,000, Bowers said.

Even though they were caught using fake IDs in the Keys, they weren't looking at any serious time here. Asada pleaded guilty to possessing a bogus license in October 2013 and was sentenced to 364 days in jail, with credit for the 237 days she already served. She is now free.

But Pearl wasn't so lucky.

Investigators said they found child pornography images on his computer. His case has been continued several times, with his next scheduled court appearance scheduled for March 5. But Margalli, said in a court filing this month that the images found on the computer should not be allowed as evidence because of how they were found, and who found them.

According to Margalli's filing, Monroe County Sheriff's Office deputies obtained a warrant on Feb. 13 at 8:30 p.m. to seize the computer under the justification that it was needed to obtain Pearl's real identity. He was using the last name of Trotter at the time.

But Margalli said the FBI had given deputies his real name 40 minutes before the warrant was granted. Margalli said that shows the warrant was obtained under false pretenses.

"In sum, no legal purpose or authority existed to execute the warrant and seize the defendant's property," Margalli wrote.

But potentially more damning to the state's case is that the Sheriff's Office tasked an employee at Gilbert's -- not a law enforcement agent -- to go through the computer's hard drive.

After deputies seized Pearl's computer, they sent it to the U.S. Secret Service, "which declined to examine data contained on the hard drive," Margalli wrote. The Secret Service shipped the computer back to the deputies, who for some reason gave it to Gilbert's employee Michael Brabham, who found child porn images in a folder on the hard drive.

Neither Assistant State Attorney Jonathan Raiche nor Sheriff's Office detectives responded to e-mailed questions about the choice to have Brabham search the computer. Margalli also has not returned several phone calls about this case.



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