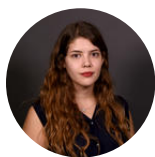


'That's what we went to go kill that man for': New details emerge in FSU professor's killing

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Newly-obtained documents and recordings include new details from the men accused in the 2014 shooting about how the alleged murder-for-hire plot was carried out.



By **Rebeca Piccardo**

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On the day he was killed, Florida State University law professor Dan Markel had someone on his trail while driving home from the gym.

Then the car he didn't recognize drove up to his house at the same time he did.

"We met him right in the garage," Luis Rivera, **one of the men accused in Markel's killing**, said in a recorded

police interview. "I was maybe 3 or 4 feet away from his car. [Sigfredo] Garcia jumps out, he goes around the car ... he shot him twice. Got in the car. We left. Kept driving."

The interview, along with other documents and recordings obtained by the Sun Sentinel, includes new details from the men accused in the 2014 shooting about how they say the alleged murder-for-hire plot was arranged and carried out.

Rivera's statement supported investigators' theory that Markel's death was linked to his **bitter divorce from Wendi Adelson and their ongoing custody battle**. Investigators have been candid about their suspicions that Markel's former in-laws, who run a dental practice in Tamarac, had something to do with his death.

Documents show they even had Adelson's mother, Donna, and her older brother, Charlie, under surveillance at one point in the investigation.

"Investigators believe motive for this murder stemmed from the desperate desire of the Adelson family to relocate Wendi and the children to South Florida, along with the pending court hearing that might have impacted their access to the grandchildren," according to a police report released in September.

No one in the Adelson family has been arrested or charged in the case. The family, through its attorneys, has denied any involvement in Markel's death.

"There is a reason that the police have not arrested any of the Adelsons — they weren't involved in Dan's death," according to a statement released in August 2016 by attorneys representing the family.

David Oscar Markus, Charlie Adelson's attorney, said Friday: "Even though Charlie wasn't involved, the prosecution has run a smear campaign against him and his family by using alternative facts created by people with quite a bit of time on their hands."

Rivera, who took a plea deal for a lesser sentence, outlined his role in Markel's killing, pointed the finger at his alleged accomplice, Sigfredo Garcia, and implicated a **South Florida woman** investigators already had their eyes on — Katherine Magbanua.

Rivera told investigators Garcia was hired to shoot Markel in an arrangement set up through Magbanua, who has children with Garcia and was dating Charlie Adelson at the time of Markel's death.

"Katie is the one in the middle doing everything," Rivera said during a recorded police interview Oct. 4.

Christopher DeCoste, one of Magbanua's attorneys, said his client has done nothing wrong.

"The prosecution created a theory fit for a soap opera, built a case around that preposterous plot using the wholly unreliable word of a thug as mortar, and peddled it through the media without mentioning any of the massive inconsistencies," DeCoste said in a statement. "Before they turned Luis Rivera, a lifelong gangster, into their snitch, the threadbare circumstantial evidence wasn't even enough to arrest Katie."

Rivera, 33, who was already serving time in a federal prison for a racketeering conspiracy, pleaded guilty to second-degree murder in October. He was sentenced to an additional seven years behind bars, avoiding a trial where he might have faced the death penalty.

Both Magbanua, 32, and Garcia, 34, pleaded not guilty and remain in jail awaiting trial.

Magbanua's attorney said prosecutors "had to buy" some evidence from Rivera at the cost of an incomprehensible deal to support their theory.

"As payment for his perjured testimony they removed his head from the guillotine and with credit for good time served — if he can manage — he'll do a meager few years on top of the 12 years he's already doing for a federal sentence," DeCoste said.

'He didn't want to go by himself'

Rivera told investigators he had never heard of Markel until about a month before the shooting on July 18, 2014. Garcia, his childhood friend, had asked him to ride along to Tallahassee that June.

"I thought we were coming up here to rob somebody," Rivera told investigators. "So when I get in the car, that's when Garcia tells me what we were coming up here for. To kill somebody."

Rivera told investigators that Garcia offered him \$35,000 to come along on the job. He also said he didn't know who ordered the hit on Markel, but he knew Garcia was hired through Magbanua.

"They were hiring him," Rivera said. "He said he was going to pay me to go with him, because he didn't want to go by himself."

Garcia had a photo of Markel and his home address typed on a piece of paper, Rivera said. He was also given spending money.

When Rivera asked why someone wanted Markel dead, Garcia told him: "The lady wants her two kids back. She wants full custody of the kids," Rivera told investigators. "That was the plan, that was the deal. That's what we went to go kill that man for."

On the first trip to Tallahassee, the men rented a motel room, where they spent the night drinking and doing drugs, Rivera said. During the day, they would follow Markel around town.

"We just came out here to scope him out, see what he was about, where he goes, what are his routes," Rivera said. "We came out here to follow him for two days. After that, we were gone."

The next month, Garcia told Rivera they needed to go back.

"I really wasn't up to it, but we came and everything happened," he told investigators.

'We never spoke about this again'

Rivera told investigators he bought the murder weapon, a .38-caliber revolver, from a guy he knew around the neighborhood in Miami.

He also rented a metallic green Toyota Prius — the car that was seen on surveillance video following Markel the morning he was killed, eventually setting police on the trail.

Rivera described following Markel as he dropped his sons off at daycare the morning of the shooting, and waiting in the parking lot of Markel's gym.

They followed him home and shot him as he pulled into his garage, Rivera said in the recording. They immediately left town.

Rivera told investigators they dumped the gun somewhere on their way back to South Florida. Rivera said he pulled over and Garcia threw the gun over a bridge.

"We never spoke about this again. We never told nobody," Rivera said.

Rivera said Garcia called Magbanua after the shooting to tell her the job was done, but she already knew.

"I think he called her and said, 'Everything is done. Make sure you have my money. I'm on my way,'" Rivera said.

Some contradictions

Some parts of Rivera's story — such as seeing Markel's ex-wife walking by his house the day before the murder — contradict the police investigation.

At one point in the recorded interview, Rivera claims he saw Wendi Adelson walking by with the two children when he and Garcia were parked outside Markel's home.

Rivera said: "I looked in my rear-view mirror and I asked Garcia, 'What's up with this lady? Why is she looking so much?'"

"That's the lady. That's Wendi," he said Garcia told him.

Rivera said Garcia called Magbanua to ask why Adelson was there. She told Garcia that Adelson wanted to make sure the job got done, Rivera said.

"She came to make sure everything is all right because he's leaving out of town tomorrow, so it's got to get done tomorrow morning before he leaves," Rivera told investigators.

John Lauro, Wendi Adelson's attorney, said there's no way Rivera would have seen Adelson with her children that morning. He said police went back and pulled the daycare records, which showed Adelson's sons were in school at the time Rivera claims he saw them.

"Wendi had absolutely nothing to do with these tragic events. The efforts of Rivera to tie Wendi in fell completely flat on its face," Lauro said. "His statements are not to be believed."

Lauro added: "He did what he had to do to get a seven-year sentence in a murder case, which is unheard of."

While detectives have openly speculated that Markel's former in-laws had something to do with his death, his ex-wife has not been the focus of their investigation, as reflected in dozens of police documents in the case.

Chief Assistant State Attorney Georgia Cappleman **told the Tallahassee Democrat in October** that she hasn't been able to confirm that part of Rivera's story.

Cappleman also **told the Tallahassee Democrat** she didn't believe Rivera knew everything about the plot, but his testimony was one step in getting closer to charging other suspects.

"[Rivera] has limited information, but I still think it was absolutely necessary to get that information to move forward against Katie," Cappleman **told the Democrat**. "Katie has the ability to implicate other parties that are involved."

Messages left at Cappleman's office were not returned last week.

Magbanua's attorney said the inconsistencies in Rivera's story came up during cross-examination during a hearing in December.

"Lead investigator Craig Isom agreed that through Rivera they have only four pieces of evidence against Katie. Each one of these pieces was found to be impossible when juxtaposed to other testimonial and physical evidence. Investigator Isom himself said that he does not trust Luis Rivera," DeCoste said.

DeCoste said even Cappleman has acknowledged to the media that there are some inconsistencies in Rivera's statement, but that his overall story is in line with her theory.

He added: "So the fact that he's not reliable — making up facts — or credible — thug trying to get a deal — doesn't matter as long as he's saying what they want him to say, and, what they need him to say?"

"Her circular reasoning is offensive, especially for a governmental agency that must be objective," DeCoste said. "Prosecutions like this are the root cause of the cases we see overturned years later."

Magbanua's attorneys on Feb. 6 filed a motion with the 1st District Court of Appeal requesting her release on bail. She is due back in court May 1.

'All because of Katie'

Aside from the money, Garcia had another motivation to follow through on the job: getting back together with Magbanua, Rivera said.

"She had him all messed up. She had him all confused," he said in the recorded interview. "I guess she told him, 'If you want me back, you've got to go do this' ... because when we came back, a week later they were together again."

Rivera said Garcia was jealous of another man Magbanua was dating at the time. He said he didn't know his name, but referred to him as "the dentist."

Unlike Rivera, Garcia has not cooperated with investigators. But an inmate who spent time with him at Leon County Jail recently told investigators that Garcia had talked about his role in the killing around the time Magbanua was arrested in October.

"He said, 'I'm not going to let my old lady take the blame for something that I did,'" Jason McNair told the lead investigator in the case during an interview recorded Dec. 20. "He went on talking about it and explained what happened and it went from there."

McNair, who shared a cell with Garcia and two others, came forward in December and told investigators Garcia had talked about being hired to kill someone.

Garcia said he was approached by his “baby mama,” who had been asked by a woman named “Don Adelson” to kill someone for money, McNair told an investigator in a recorded interview.

Garcia said the same woman had paid \$50,000 to two other people, but they took the money and never followed through with the killing, McNair said.

After the shooting, Garcia and Rivera received the money from Magbanua, who got the money directly from “Don,” McNair said.

He also told the investigator Garcia admitted he was the shooter and Rivera was the driver and didn't know about the murder plot.

"No surprise other jailbirds are coming forward. Feed one pigeon and the next day there's 20 of them wanting to be fed," DeCoste said. "These inmates have TV in jail, know the prosecution is desperate for evidence, are chirping back basic case facts learned from the news and hoping for a Rivera-like deal of their own to get out of their cages."

‘The money was for the murder’

The day after the shooting, Rivera said Garcia and Magbanua went to his North Miami home to split the money. The money was presented as stacks of \$100 bills stapled together.

Rivera said he used the money to pay his mother's rent and gave \$5,000 to his ex-wife to help buy his kids school supplies. He also put some of the cash in an envelope and gave it to his sister for safekeeping, he said.

Rivera said Garcia lost about \$7,000 gambling at the Seminole Hard Rock Hotel and Casino. The two men also bought cars and motorcycles with their share of the money.

The inmate who spent time with Garcia told the investigator he talked about spending some of the money on cars and motorcycles, the inmate said.

Motor vehicle records show Garcia bought a 1984 Chevrolet Monte Carlo about a week after Markel's death, followed by a 2000 Nissan Maxima and a Honda motorcycle that August, investigators said. Rivera bought a 2003 Suzuki motorcycle that July, authorities said.

Investigators asked Rivera whether the money Magbanua gave him could have been payment for something else.

“The money was for the murder. Nothing else,” Rivera said. “That's the final answer.”

Rivera told investigators he was haunted by Markel's death. Garcia went to his house to calm him down.

“I was in my house drinking, I was so mad thinking about the murder. It was hitting me, hitting me,” Rivera said. “I couldn't sleep, I kept thinking about that and those kids.”

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