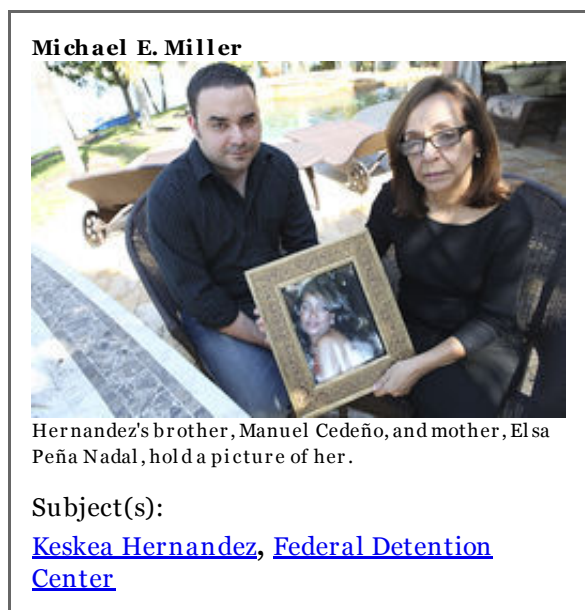


Keskea Hernandez: Death in the Federal Penitentiary

By Michael E. Miller

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The photos atop Keskea Hernandez's casket showed a pretty Dominican woman with caramel skin, a brilliant smile, and a cascade of expensively cut hair. As religious hymns drifted across the lavender carpet at Boyd's Funeral Home in Pembroke Pines last month, family members rose one by one to describe Hernandez as a vibrant and energetic go-getter. But the frail body in the box full of white roses told a different, much darker tale.

Seventeen months in federal prison for mortgage fraud had taken a visible toll on Hernandez. Her hair, garlanded with flowers, was now brittle and sparse. Her skin was pale and splotchy. And underneath her white dress, Hernandez's chest was uneven from where doctors had removed an infected breast implant just before she died January 9, alone and handcuffed to a

hospital bed.

"My baby," moaned Elsa Peña Nadal, as she collapsed atop her daughter's corpse. "What have they done to my baby?"

The story of how Hernandez, a 42-year-old real estate agent, ended up dead in federal custody has never before been reported. Officials at the Miami Federal Detention Center where she was imprisoned for mortgage fraud have refused to comment. But interviews and documents obtained by *New Times* reveal that Hernandez's death was preventable — perhaps even criminally so.

For more than a year, Hernandez had begged for treatment for lupus, an incurable autoimmune disorder that causes pain, swollen joints, and digestive problems. If untreated, it can have deadly effects on the heart, lungs, and kidneys. But doctors, judges, and the warden all ignored Hernandez. Instead of giving her the food and medications she needed, they pumped her full of steroids that ultimately made her condition worse. When she pleaded for an early release or transfer to another facility last June, the FDC's medical director said she was "embellishing" her illness. Six months later, Hernandez was dead.

"They killed my one and only daughter," says Peña Nadal.

The scandal goes deeper than Hernandez's tragic death, however. Of FDC Miami's 1,500 inmates, two others passed away last year (one from suicide). Nationwide, 383 out of roughly 218,000 federal prison inmates died in 2012 (five suicides, 25 murders, and the rest from illness or old age). Hernandez's death raises questions about the quality of medical care not only at the FDC in Miami but also in the entire federal penal system. "The quality of care at the FDC is atrocious," says **Marc Seitles**, Hernandez's lawyer. "They essentially murdered her. They knew

of her condition, they knew how badly she was suffering, and they did nothing."

Long before her August 2, 2011, arrest, Hernandez's life tracked the ups and downs of the American immigrant dream. She was born December 15, 1970, in Santo Domingo. Her father, Hector Homero Hernandez Vargas, opposed the brutal reign of then-President Joaquín Balaguer. On the morning of September 22, 1971, Vargas was gunned down in front of his wife and child.

The Balaguer regime deported Peña Nadal and 9-month-old Keskea to Mexico. The two then moved to Chile, only to have the coup against Salvador Allende force them back to the Dominican Republic. Keskea studied tourism in Madrid before moving to Miami in 1994. She became a citizen, married, and in 1996 gave birth to a daughter, Julianna Figueroa. "Keskea loved the United States," her mother says. "She believed in its laws."

But Hernandez would later break those laws. For a decade, she struggled to provide for her young daughter. She and her husband had divorced, and Keskea juggled jobs at Holiday Inn and a money transfer store before moving into sales. She eventually got her real estate agent's license and founded her own company, Kasa Mortgage, in 2004. She moved into a \$500,000 house in Miramar and put her daughter in private school and gave her piano lessons.

Vivacious and charming, Hernandez proved adept at flipping Brickell apartments and Miami Beach condos for profit. But prosecutors would later show she used straw buyers and bogus documents to do it.

Hernandez's life began to crash at the same time as the housing market. By the time Bear Stearns went belly-up in 2008, she had already closed Kasa Mortgage. Hernandez had also caught wind of a federal investigation targeting her and 16 others for mortgage fraud. Stressed and unemployed, her health also began to fail. She had trouble eating and breathing. Some days, she could hardly get out of bed. In 2010, she was diagnosed with lupus and started receiving disability checks.

On August 2, 2011, the feds raided her Miramar house in the middle of the night. Hernandez was arrested, charged with 38 counts of fraud, and thrown into a frigid cell at the FDC. All but one of her codefendants were quickly released on bond but, bizarrely, Hernandez's attorney, Joel DeFabio, never requested a bond hearing. "We developed a plan to get her the minimum sentence possible," DeFabio says of the decision. "She was in agreement."

Inside the FDC, Hernandez's lupus devolved into a dangerous illness. She had learned to control the disorder through a careful diet but now had no choice but to eat the prison food (often expired and occasionally moldy, she told family members). She became feverish and wracked with pain. FDC clinical director Delvena Thomas, an Army psychiatrist who had served in Afghanistan and Iraq, treated Hernandez with powerful steroids (a standard, short-term treatment for lupus).

On December 20, 2011, Hernandez pleaded guilty to one count of mortgage fraud. She also agreed to help prosecutors in exchange for dropping the other charges. Four days later, on Christmas Eve, Hernandez wrote a four-page letter in which she said she had lost 40 pounds in four months and claimed FDC officials were ignoring her worsening symptoms. "My right breast is hard like a rock and dark like I had hit it with something," she wrote. "They have sent me a note declining my request to get a sonogram."

"When I told the Dr. of my problems and that I need to be able to eat [organic food] his answer was: 'You lost a lot of weight? Tell the secret to the fat ones in the unit,'" she wrote. "I understand that I am in jail but do I have any way of surviving in these conditions? Can anybody help me?"

Hernandez was supposed to see a rheumatologist every 45 days to monitor her lupus, but she never saw one. "Her condition does not rise to a level of severity where she can jump in front of the line of other defendants," prosecutors explained.

Fellow inmates, at least, noticed Hernandez's declining health. Isis Torres, a nurse sentenced to 18 months at the FDC for Medicare fraud, remembers being shocked at how frail Hernandez seemed. "She was in a lot of pain," Torres says.

In April 2012, Hernandez's family fired DeFabio and hired attorney **Seitles**. "She looked sickly," he says of seeing Hernandez for the first time. "Her fingers were blue. She looked very undernourished, extremely skinny."

Seitles immediately requested a bond hearing before federal Judge Robert Scola. As a first-time nonviolent offender, Hernandez could easily be released on house arrest or at least transferred to another facility, he reasoned. Hernandez's family was hopeful.

"My mom takes care of me and I take care of her," wrote Julianna, then 14, in a letter to Scola. "I can't, nor do I want, to think about all the pain she's going through being in the FDC without being able to stick to her diet and have access to her medications. Point is my mom needs [to be] home, for her sake and mine."

Seitles presented evidence of Hernandez's medical history, including her disability status from the U.S. government. "This isn't... some scheme to get out of the FDC," he told Scola during the June 20 hearing. Instead, Hernandez was genuinely sick: She had lost nearly a third of her body weight, was throwing up blood, hadn't menstruated since arriving at the FDC, and was at risk for organ failure, **Seitles** argued.

Thomas, the FDC clinical director, ridiculed the idea that Hernandez's life was at risk. "Those things that you just heard are an embellishment," she told Scola. "None of what [was] just cited to you is true." Thomas insisted Hernandez was getting proper care. "Someone who's in renal failure would be dead," she said.

Scola sided with the prosecutors. Instead of releasing Hernandez, he determined she was a flight risk and denied her bond.

"They treated her like she was a narco trafficker about to flee the country," says Manuel Cedeño, Hernandez's brother, who testified on her behalf. "Why would a sick woman leave the country where she has health insurance and a teenage daughter to live in a Third World country?"

In October, Hernandez was sentenced to 40 months in prison, of which she had already served 14. Suddenly facing two years without her mother, Julianna fell into a depression. Her grades plummeted, and she stopped playing the piano because it reminded her of her mom.

Hernandez was also falling apart. She began losing hair. When her family came to visit her, she used a jailhouse coffee concoction as makeup to cover the splotches on her skin. "She didn't want to worry anyone," Cedeño says.

In private, however, Hernandez was panicking. Her calcified breast implant had turned into an open sore. Thomas had suggested transferring Hernandez to a medical facility, but Hernandez was afraid that exposing her depleted immune system to other sick inmates would be deadly.

On December 4, 2012, Hernandez wrote Judge Scola begging for lenience. She asked him to put her under house arrest where she could "stop [taking] all these steroids that are destroying my good cells and organs."

"Please, your honor, give me only 15 minutes... to show you what I have and that I am not making this up," she wrote. A week later, she sent another letter to the judge. It's unclear if Scola replied. He did not answer *New Times'* requests for comment.

Hernandez last spoke to her family December 23, 2012. When Cedeño emailed her on Christmas Eve, she didn't answer. When he tried again the next day: silence.

Seitles also began to worry. Another FDC inmate told him she had seen Hernandez taken to a hospital. But when Seitles asked prison officials where his client was, they refused to answer. He sent three letters demanding to know where she was held. On January 7, he finally discovered she was shackled to a bed at Larkin Community Hospital in South Miami. Seitles obtained permission to visit her January 10. It would be too late.

On the morning of January 9, Cedeño received a call from FDC officials: His sister was dead. He waited until Giulianna was home from band practice before breaking the news. As she came down the stairs after taking a shower, the 15-year-old found her living room full of family and friends. "What did I do wrong?" she asked.

Hernandez's family is awaiting an autopsy and considering its legal options. A few weeks after the death, FDC officials gave them a box of Hernandez's possessions. Among them was a small legal notepad with a list of the people she had asked for help near the end. "Dec. 23, 2012: Told Lieutenant gordo," reads the final entry. "Over a week & nothing."

"They violated my daughter's human rights," says Peña Nadal as she and Cedeño rifle through photos of Hernandez. "Either the people at the prison didn't bother to read her medical information or they simply didn't care."

FDC officials declined to comment on Hernandez's death. But her case is far from the only instance of medical neglect at the federal prison. Half a dozen lawyers all told *New Times* they have seriously ill clients who aren't getting proper medical attention at the FDC. One, a diabetic woman, keeps passing out because prison officials are giving her the wrong kind of insulin, according to court filings. Attorney Jonathan Kasen says he is fighting to keep a male client with heart and kidney ailments away from the FDC because a couple of months there "would be a death sentence."

Peña Nadal hopes that telling her daughter's story will force FDC officials to take inmates' health concerns more seriously.

"I lost my baby," she says, staring at a photo of a teenaged Keskea. "I don't want it to happen to anyone else."