

Case put on hold amid court rebuke

PAYMENT: Ruling says an attorney need not take a case for \$5 an hour

By TODD RUGER
todd.ruger@heraldtribune.com

MANATEE COUNTY — A criminal case against a suspected gang member is in jeopardy again after a court ruling Wednesday criticized the way the state has targeted the county's street gangs.

Terry Green has not had a defense attorney working on his case for more than a year, making it impossible to pursue the time-consuming, complex racketeering charge against him.

The public defender's office cannot take the case because it represented one of 11 co-defendants.

And no private attorneys wanted the case because the state system would essentially pay about \$5 an hour.

Chief Circuit Judge Lee Haworth ultimately ordered pri-

vate attorney Greg Hagopian to take the case against his will, even though Hagopian argued that taking the case would drive him out of business.

But in an unusually long 37-page ruling, the 2nd District Court of Appeal wrote that the court cannot force a private attorney to take such a complex case without adequate compensation.

That leaves Haworth back to the main problem: either finding an attorney to take the case or possibly dismissing the charges.

"We understand that our decision does not resolve the problem presented by this case," the ruling states.

"We appreciate the substantial efforts the circuit judge has made in this regard, and we share the concern he has expressed about finding counsel for Mr. Green."

The problem starts with the Manatee County Sheriff's Office and the state prosecutors' office taking the "novel" approach to
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targeting street gangs with racketeering charges, the ruling states.

Cases normally had up to four co-defendants before that approach.

The first racketeering case against Manatee County street gangs had 14 co-defendants.

And the state's existing compensation system is inadequate to pay enough to an attorney from a small private office for such complex cases, the ruling states.

The state can agree to pay more than the flat \$1,500 fee for the case, but those requests often get caught in bureaucracy and are not always approved.

Spending the time on the case to do a good job representing Green would mean neglecting a law practice that takes around \$100 an hour in overhead costs, said attorney Derek Byrd, who represented Hagopian.

"They're saying that if the government is going to choose to prosecute time consuming, highly

complex cases, they also have to accept the burden that the defendant is entitled to competent counsel," Byrd said.

Hagopian, who was not under any contract with the state to take cases when he was ordered to represent Green, said he was relieved.

"This would have had a terrible impact on me," Hagopian said. "You can't force me to do it and then refuse to pay me."

In the meantime, Green, 21, remains incarcerated.

He was sentenced to three years in prison in November after pleading no contest to an unrelated charge of carrying a firearm as a felon.

No substantial work has been done on his racketeering case, said Hagopian, who also testified he would ask upwards of \$150,000 to voluntarily take the case.

"There's probably 200 to 300 hours of work left to be done," Hagopian said.

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