

From: Barry Krischer
To: Barry Maxwell; Lanna Belohlavek
Date: 1/16/03 3:59PM
Subject: Re: st. v. E. Miguel

If you think we can make the case at trial, tell him to make you an offer rather than we extend anything to him.

>>> Barry Maxwell 01/16/03 03:42PM >>>

Barry,

Is it appropriate that I inform Shiner that there will be no negotiations with him specifically? I'm concerned with a press related situation. Any suggestions on what our position to Shiner is?

Barry M

>>> Barry Krischer 01/15/03 01:46PM >>>

I have not had contact with Shiner ever since he began grandstanding in the press. After the NY Times article I called Emilio Diamantis who has contact with the Guatemalen Center and told him I would no longer negotiate with Shiner. Jack Scarola was considering becoming co-counsel and that we would negotiate with him.

In essence the very position Shiner had me take with Udell, I have now taken with him, no direct contact / no offers. (You might remember Lubin volunteered to act as intermediary when we thought Brazil might want a plea).

>>> Barry Maxwell 01/14/03 03:10PM >>>

Barry K.,

Shiner is inquiring what our position is on the Miguel case at this point. Are we in the same position as we were pre-indictment? Which as outlined by Lanna below is: plea to the court on an aggravated manslaughter, 1 fel, level 10, where the guidelines call for 13 yrs. minimum. This case is now before Judge Lindsey.

Barry M.

>>> Lanna Belohlavek 01/14/03 02:58PM >>>

Barry,

the original offer discussed by myself and Mr. Krischer, and relayed to Mr. Shiner, was:

plead up to the judge on manslaughter

the State would be asking for the bottom of the guidelines (which I believe was about 13 years) and the Defense could argue for juvenile sanctions, and the Judge could do whatever he felt appropriate, including the middle ground of youthful offender.

Lanna

CC: Michael Edmondson