

President: Lauren Field Krasnoff  
President-Elect: Zena X. Duncan  
Vice President: Alex John Saiz



Secretary: Jennifer Thornton  
Treasurer: James DuBray  
Immediate Past President: Dianne E. Caramès

## **FACDL-MIAMI'S DEMAND THAT STATE ATTORNEY KATHERINE FERNANDEZ RUNDLE END THE PATTERN OF RETALIATORY TARGETING OF DEFENSE LAWYERS**

The Miami-Dade State Attorney's Office continues to engage in a pattern of unethical misconduct, most recently with the retaliatory targeting of criminal defense lawyers. Seeming to misunderstand the role of the defense lawyer in the criminal legal system, prosecutors continue to accuse defense lawyers of engaging in criminal conduct when those lawyers have done nothing more than uphold their constitutional obligation and duty to defend their client.

On July 3, 2024, Judge Laura Shearon Cruz entered an Order excluding evidence based on the constitutional violations committed by the prosecutors.<sup>1</sup> Judge Cruz found that the Assistant State Attorneys viewed the actions of the defense lawyers in that case "through prosecutorial blinders that led them to the belief that opposing counsel were knowingly engaged in . . . criminal activity." The Judge proposed that "a more reasonable perspective would have been that opposing counsel were involved in the normal investigation of a criminal case." With the State's evidence excluded due to their own misconduct, the State Attorney's Office dismissed the case.

The prosecutorial blinders of one of the prosecutors who was the subject of Judge Cruz's concern, remain. The same Assistant State Attorney now accuses two long-time Assistant Public Defenders, along with their staff investigator, of tampering with a witness in a murder case.

The Assistant Public Defenders and their investigator did exactly what the Constitution requires of them: investigated their case, spoke to witnesses, and defended their client. Bearing his prosecutorial blinders, the Assistant State Attorney has (a) initiated a criminal investigation; (b) listed the defense lawyers as witnesses against their own client; and (c) publicized the allegations.

Our criminal legal system strives to assure that an individual accused of a crime is represented by competent and effective counsel who can and must investigate all available defenses and challenge the State's evidence. It is through such investigation and challenging of evidence that justice is done. We are lucky to live in a country with a constitution that recognizes the presumption of innocence and mandates the vigorous defense of individuals accused of crimes.

---

<sup>1</sup> See *State v. Clenney, et. al.*, F24-2015A, B, and C, at docket entry 90.

President: Lauren Field Krasnoff  
President-Elect: Zena X. Duncan  
Vice President: Alex John Saiz



Secretary: Jennifer Thornton  
Treasurer: James DuBray  
Immediate Past President: Dianne E. Caramès

In actively investigating criminal cases, it is the defense bar that upholds the sanctity of the Constitution.

The baseless attacks on criminal defense lawyers must end. The Assistant Public Defenders and their investigator were conducting the “normal investigation of a criminal case, of which the prosecution [is] rarely privy to because they are not entitled to know the inner workings of the Defendants’ case until such time as the Court or law deems that necessary.”<sup>2</sup> The unjustified decision to publicly accuse these lawyers and their investigator of a crime highlights the inability of the State Attorney’s Office to learn from its past mistakes and to prosecute their cases in an ethical manner.

FACDL-Miami will not tolerate the abuse of criminal defense lawyers. The Association, on behalf of its members, demands that the State Attorney’s Office discontinue the investigation and issue a formal apology. Moreover, the State Attorney must investigate and discipline the Assistant State Attorney who continues to engage in this pattern of retaliatory accusations against defense lawyers for carrying out their constitutionally mandated duties.

FACDL-Miami  
Board of Directors  
July 22, 2024

---

<sup>2</sup> *Id.*