

A Miami-Dade judge has ruled that a law tying legal bills for defending death-penalty defendants to the annual budgets of state judges is unconstitutional.

Circuit Judge Victoria Sigler said the law violates the Florida Constitution, which guarantees a separation of powers between the judiciary and lawmakers — who are supposed to be the ones who allocate money for indigent clients.

The ruling, certain to be reviewed by higher courts, could force changes to how the state appropriates money to defend people too poor to afford their own lawyers.

Sigler issued the ruling last week in the case of Gregory Martin, charged in the 2000 slaying of Cynteria Phillips, a runaway whose bloodied body was found near Miami Edison High School.

Martin, who faces the death penalty, is represented by court-appointed private lawyers David S. Markus and Terry Lenamon. The attorneys asked the judge to declare the law unconstitutional.

The reason: Every year, the state establishes a pool of money to pay lawyers' bills in death-penalty and racketeering cases. Before this year, the Legislature always covered any overruns.

But lawmakers, looking for ways to contain rising legal fees paid to private attorneys in death-penalty and racketeering cases, quietly passed Senate Bill 1960 in March, mandated that any overruns come from the courts' budgets.

The law "makes judges think twice about paying a lawyer, knowing that he or she has to also think about paying his secretary or buying copier paper," Markus said.

It's almost certain that the state will have to find more money to pay legal bills in death-penalty cases. So far, Miami-Dade has spent \$712,000 of its allotted \$12 million — and the fiscal year doesn't end until June 30, 2013.

The bill also created a "limited registry" pool of lawyers who will accept flat fees for most other court-appointed criminal cases.

The Florida Association of Criminal Defense Lawyers has filed suit, arguing poor defendants will get only "token" representation by underqualified and overwhelmed attorneys who are willing to work for peanuts.

"Judge Sigler's order confirms what FACDL-Miami has been saying from the beginning: This proposed solution to the budget crises is sloppy lawmaking," said Jude Faccidomo, the group's president.

Officials of the state's Judicial Administration Commission, which handles payments for legal bills and is likely to appeal Sigler's ruling, declined to comment Monday.

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