

Letter: Litty undermining judicial system

Wednesday, October 22, 2008

Based on 40 years in 350 counties, and the Institute for Law and Policy Planning's major evaluation of St. Lucie's justice system, your "vote of no confidence" in the incumbent, Diamond Litty, is understated. Her policies threaten your Constitution and waste taxpayer dollars, e.g., she sued St. Lucie's Commission to open a jail module; has any defender ever done that?

Litty is the rare person undermining an entire system; no judge, police chief, prosecutor or jailer could so impact crowding, budgets, or public safety. ILPP's experts discovered serious deficiencies with many opportunities for improvement in her office.

1. Litty was the only Florida defender to not represent jailed clients right after arrest, waiting a full month, and preventing her attorneys' attendance at their initial appearance.
2. The average misdemeanor's stay was 32 days, yet, if represented constitutionally, her poor, often minority clients would average two. The Supreme Court's procedure committee voted 28-0 that Litty's procedure was unconstitutional; more wasted taxpayers' monies.
3. Litty's policies and practices are responsible for St. Lucie's and Martin's jail crowding, huge costs, and failure to focus on dangerous crime.
4. Her "defense" aims at unlawfully squeezing, and then defeating those least able to defend. This process causes crime by alienating those charged but not tried, as they are often over-punished. She's the only defender in America to provide a rehabilitation program — like having a mortuary next to a hospital.

Fortunately, a veteran supervising defender, Don Chiquina, has bravely stepped up to protect your taxes and Constitution, running against the previously unopposed Litty. Now it's up to those in St. Lucie, Okeechobee, Indian River and Martin to mandate long overdue change.

Alan Kalmanoff , executive director

Institute for Law and Policy Planning ,Berkeley, Calif.

Letter: Litty doesn't measure up

Wednesday, October 22, 2008

I'm sure that retired Judge Jack H. Berger means everything he says when he praises Diamond Litty as "the best" public defender. But, he may be confusing Diamond Litty, the person, who I am certain is a fine individual, with Diamond Litty, elected public defender charged with the awesome responsibility of protecting the rights of poor people accused of crimes.

The judge doesn't say how many public defenders he has known and worked with, or in what state, but here in Florida, Ms. Litty does not measure up.

For instance, Nancy Daniels is the elected public defender in Tallahassee and surrounding counties. Ms. Daniels is responsible for a multi-county circuit, just like Diamond Litty. Ms. Daniels makes sure that her assistants attend weekend first appearances in every county she is responsible for. Ms. Diamond does not.

In the circuit just to the south, Palm Beach County, elected Public Defender Carrie Houghwout insists that her assistant public defenders must see all clients in the jail within 24 hours of their arrest. Ms. Litty does not.

In fact, Ms. Litty has claimed for years that her office cannot get involved in a case for 21 days after someone is arrested. That is utter nonsense, but she has repeated that claim over and over again, even in the media. As a result, her clients often sit in jail for weeks for such minor offenses as disturbing the peace or open container violations simply because no lawyer has seen them.

In the meantime, taxpayers foot the bill for the jail stay.

Diamond Litty may be a fine person, but she does not measure up as an elected public defender.

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Letter: Equal justice doesn't apply under Litty

Wednesday, October 22, 2008

Responding to the Oct. 18 letter, written by Judge Jack H. Berger (retired), published in newspapers that cover the 19th Judicial Circuit of Florida (Martin, St. Lucie, Okeechobee and Indian River counties), and for the benefit of all potential voters for public defender, I offer these thoughts.

Ms. Litty is married to sitting Judge Thomas Walsh, and has the State Attorney's wife as a very important campaign worker. Ms. Litty's relationship with the criminal justice system has become dysfunctional. Her close relationships with the prosecutor, sheriff, and her "we don't want to rock the boat" philosophy have caused her to forget what a public defender's role is in our system.

Public defenders represent the lowest economic strata of our country and Florida Rules of Professional Conduct require her office to vigorously represent those clients as if they could pay a reasonable fee. The unfortunate result of 11 years of her "don't rock the boat" mentality has made the 19th Judicial Circuit the laughingstock of the entire judicial system in the state of Florida.

I am certainly not implying in any way, shape or form that Ms. Litty is not a good attorney or good person. I consider her a friend. After this letter, I'm sure that friendship is history, but sometimes the truth hurts.

The result of Ms. Litty's actions is that her assistants are browbeating the clients to plead guilty to charges that can't be proved. The unfortunate result of 11 years of this "don't rock the boat" mentality has continued the thinking of "that's the way we've always done it." That axiom rings hollow while people involved in our justice system, including myself, quietly turn our heads and pretend it's not really happening.

When the system gets as dysfunctional as it is here, "equal justice under law" doesn't exist.

Ron Smith

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