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Friday, September 5, 2008

Work of Kilpatrick's defense team questioned after deal

Experts: Mayor may not have fared much worse in trial

Doug Guthrie and Paul Egan / The Detroit News

DETROIT -- The sentence Kwame Kilpatrick will receive next month is close to what he might have gotten had he gone to trial and been convicted, according to experts and one of his former lawyers.

The deal left some wondering what Kilpatrick got from the pricey defense team he assembled.

"He could have gotten the same deal from a public defender," said Curt Benson, a professor at Cooley School of Law.

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James W. Parkman, the Birmingham, Ala., attorney who left Kilpatrick's team about the time plea negotiations intensified, said he was "stunned" by the deal.

"I certainly do not believe that that is a good deal by any stretch of the imagination," Parkman said.

Parkman said he still believes he could have won acquittals. But even if Kilpatrick went to trial and was convicted, the result could not have been much worse, he said. "I would have rather gone down fighting," he added.

Margaret Raben, president of the Criminal Defense Attorneys of Michigan, said Kilpatrick's guidelines on the plea deal, with a completely clean prior criminal record, would have allowed a judge latitude to put him behind bars for up to 11 months or

give no jail time at all. Kilpatrick's sentencing guidelines, had he been convicted of every charge, would have been zero to 17 months, Raben said.

Dan K. Webb, a renowned Chicago attorney on Kilpatrick's team, said Thursday that the mayor faced 19 to 38 months behind bars if he lost at trial.

"That's real time away from a young family," Webb said. "One hundred days is a compromise."

But the high-powered team appeared to have no clear leader and no central strategy, said Larry Dubin, University of Detroit Mercy law professor. "This was a group that appeared to be stepping on the gas while others were stepping on the brake," Dubin said.

Attorney Geoffrey Fieger said Kilpatrick's team also failed to keep the client under control. "They let him dig himself into a deep hole while he was on bond with the assault charges and other behaviors. I saw no sensitivity for the client, no genuine concern."

While Benson thought the deal was good for society, he thought the lawyers fell short.

"Of course, if you have a client you can't control and he's absolutely determined to destroy himself ...there is nothing you can do."

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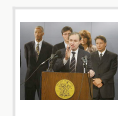


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Kilpatrick attorney Dan K. Webb speaks Thursday in front of the rest of the mayor's defense team. (Daniel Mears / The Detroit News)

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- [Horoscope](#)
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- [Letter to Editor](#)
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- [Cybersurveys](#)

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