



TRIALS & LITIGATION

## Lawyer's pants catch fire during arson trial

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By Stephanie Francis Ward

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Stephen Gutierrez's pants recently caught on fire while he was in court arguing on behalf of a defendant charged with arson. The Miami lawyer blames the unfortunate incident on a faulty e-cigarette battery.

According to the Miami Herald, smoke came out of Gutierrez' pants pocket when he was started closing arguments, in front of the jury. Guterrez noticed that his pocket felt hot, he told the ABA Journal, and the heat was coming from a small e-cigarette battery.

"There were two or three in my pocket at the time," the Miami attorney wrote in an email. "I noticed the heat was intensifying and left the courtroom as quickly as possible—straight into the bathroom. I was able to toss the battery in water after it singed my pocket open."

The jury convicted Claudy Charles, Guterrez's client, of second-degree arson. Claudy was charged with intentionally setting his car on fire.

There's a good chance that the incident could figure into the defendant's appeal, or a motion for new trial, Marcos Beaton Jr., a Miami criminal defense attorney, told the ABA Journal.

"I understand this was an arson case where the defense was that the defendant did not set his own car on fire, but that the car spontaneously caught fire," Beaton, a partner with Black, Srebnick, Kornspan & Stumpf, wrote in an email. "So an apparently spontaneous fire—of all things—in the courtroom, in front of the jury and during closing arguments could have very well prejudiced the defendant and deprived him of a fair trial."

Court deputies seized frayed e-cigarette batteries from Guterrez as evidence, according to the Miami Herald, and the items are being investigated by police and prosecutors.

“This was not staged,” Gutierrez told the ABA Journal. “No one thinks that a battery left in their pocket is somehow going to explode.”

Indeed, the Miami Herald article notes that more questions regarding the safety of e-cigarettes have recently come up, and they’re currently banned from checked airline bags.

“After careful research, I now know this can happen. I am not the only one this has happened to, but I am in a position to shed light on the situation,” Guitierrez wrote in his email. “The dangers of these devices, and accessories, have led me to quit using e-cigarette products.”

*Update at 3:03 p.m. to include Beaton’s comments.*