

US Supreme Court: Freeze on Clean Money Can't Block Hiring Defense

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Photo by Diego M. Radzinski

Miami criminal defense attorney Howard Srebnick won a U.S. Supreme Court victory Wednesday when the court ruled 5-3 that criminal defendants are allowed to use untainted assets to pay for the lawyer of their choice.

The Black, Srebnick, Kornspan & Stumpf partner, who represented Sila Luis in a health care fraud case, persuaded the majority that the federal government should be barred from freezing funds that aren't tied to a defendant's crime.

"While the government does not deny Luis' fundamental right to be represented by a qualified attorney whom she chooses and can afford to hire, it would nonetheless undermine the value of that right by taking from Luis the ability to use funds she needs to pay for her chosen attorney," Justice Stephen Breyer wrote for the majority.

Chief Justice John Roberts and Justices Ruth Bader Ginsburg, Sonia Sotomayor and Clarence Thomas concurred.

Justices Anthony Kennedy, Samuel Alito and Elena Kagan dissented.

Srebnick and his firm took the case to the Supreme Court as an unpaid passion project. The future of the private criminal defense bar was at stake if the court ruled against Luis, Srebnick told the Daily Business Review in a November interview shortly after oral argument.