

FOR IMMEDIATE RELEASE

Balanced Justice Network Calls on State Attorney Fernandez Rundle to Investigate Missing Plea Deal Notes

FOR IMMEDIATE RELEASE PROVIDED BY

[Balanced Justice Network – Changing The System](#)

Updated 9:44 PM EDT, April 24, 2024

Balanced Justice Network has announced it is calling on the Miami-Dade State Attorney Fernandez Rundle to conduct an independent review and investigation into how her office tracks and retains plea deals offered by her prosecutors.

Balanced Justice Network advocates for criminal justice reform, second chances and transparency in plea bargains and sentencing.

Founded by its Executive Director Evelyn Castillo-Bach in August 2023, the organization has communicated with the office of Fernandez Rundle on the issue of the missing plea deal documentation in the case of Mitchell E. Finlay where 22 years ago he was offered and rejected a 5-year plea deal.

"While the State Attorney's office cannot find the plea deal offer, we have written verification of the then-trial attorney who was a former prosecutor under Rundle. He emphatically confirms in writing that there was a 5-year plea deal offered and rejected by Mitchell," stated Castillo-Bach. "The plea deal offer is pivotal to demonstrating that the subsequent Life sentence received is a violation of his human rights and civil rights."

Balanced Justice Network applauds and supports the [Florida Association of Criminal Defense Lawyers \(FACDL\)](#) for its recent call for the State Attorney to conduct a "full independent ethics review within the Miami Dade State Attorney's Office," as reported this week in the [Miami Herald](#).

The [public statement released](#) by the Florida Association of Criminal Defense Lawyers shows how in 2 cases, unrelated to Finlay, the Miami Dade State Attorney has fostered "conditions permissive to a toxic culture. As a result, within this culture, prosecutors act contrary to their ethical duties. Ms. Fernandez Rundle's prosecutors seem to be encouraged to disregard the rules of court and conduct in favor of a "win at all costs" approach."

"At Balanced Justice Network," Castillo-Bach emphasized, "we have encountered a similar demeanor of 'win at all cost' described by the Florida Association of Criminal Defense Lawyers (FACDL). Fernandez Rundle has the power and authority to correct a disproportionate Life sentence for an offense considered worthy of a 5-year plea."

Reported in the [2023 Plea Bargain Task Force Report](#) by the American Bar Association Criminal Justice Section, the issue of an extreme sentencing differential is addressed:

“In general while some difference between the sentence offered prior to trial and the sentence received after trial is permissible, a substantial difference undermines the integrity of the criminal system and reflects a penalty for exercising one’s right to trial. This differential, often referred to as the trial penalty, should be eliminated.”

“Charges should not be selected or amended with the purpose of creating a sentencing differential, sentencing enhancement, punishment or collateral consequence to induce a defendant to plead guilty or to punish defendants for exercising their rights, including the right to trial.”

On Balanced Justice Network anyone can listen to [podcast episodes](#) from Mitchell Finlay. The website also gives a concise summary on the case and includes a link to the last legal brief filed by Finlay's appellate attorney Richard C. Klugh.

On November 13, 2015, appellate attorney Richard C. Klugh filed an appeal to the Life sentence in THE DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT, CASE NO.: 3D15-1249, MITCHELL FINLAY, Appellant,-vs-STATE OF FLORIDA. APPEAL FROM THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR DADE COUNTY.

Evelyn Castillo-Bach
Balanced Justice Network – Changing The System

Visit us on social media:

[Twitter](#)