



Roberto Miranda

On August 10, 1981, Manuel Torres was found stabbed to death in the kitchen of his Las Vegas, Nevada apartment. His home had been burglarized and his truck was stolen. The next day, following a tip, police found Torres's truck in an alley off the city's main casino strip. A man named Fernando Cabrera was nearby, and was taken into custody. He had Torres's ring and watch in his pocket, and what appeared to be bloodstains on his pants. His fingerprints were also found inside the truck. Cabrera at first denied knowledge of Torres's murder, but then said that he went to Torres's apartment with an acquaintance, Roberto Miranda, where Miranda killed Torres during a drug deal. In a search of Torres's apartment, police found a shard of glass with Miranda's fingerprint on it. They arrested Miranda shortly thereafter.

Miranda's defense attorney recommended that he accept a plea bargain that would have carried a 10-year sentence, but Miranda refused, insisting that he was innocent. His attorney was a novice who put very little work into the case. Miranda had named six witnesses whose testimony he said would prove his innocence, but his attorney did not make contact with any of them, and he discouraged Miranda from testifying in his own defense. He also failed to object to several improper statements made by the prosecutor. Cabrera was the key witness for the prosecution, and the shard of glass from Torres's sink was introduced as physical evidence.

On August 19, 1982, Miranda was convicted of first-degree murder, robbery, and grand larceny. Two weeks later, he was sentenced to death. Over the next several years, he filed three appeals, all of which were rejected.

In 1991, attorney Laura Fitzsimmons took over the defense, and uncovered new evidence of Miranda's innocence. Fitzsimmons interviewed five of the six witnesses originally named by Miranda, including a former girlfriend of Cabrera's who said that Cabrera and Miranda had fought for her affections, and that Cabrera had threatened Miranda. Fitzsimmons filed a petition for a writ of habeas corpus with the Clark County District Court, and in a ruling issued in January 1996, the judge granted the writ, stating that "the lack of pretrial investigation and preparation by trial counsel cannot be justified." On September 3, 1996, the district attorney announced that he would not retry the case. The case was dismissed, and Miranda was released. He later sued the county, two homicide detectives, and the public defender's office, and received a \$5 million settlement.

- Alexandra Gross

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State: Nevada

County: Clark

Most Serious Crime: Murder

Additional Convictions: Robbery, Theft

Reported Crime Date: 1981

Convicted: 1982

Exonerated: 1996

Sentence: Death

Race: Hispanic

Sex: Male

Age: 38

Contributing Factors: Perjury or False Accusation, Inadequate Legal Defense

Did DNA evidence contribute to the exoneration? No

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<http://www.lasvegassun.com/news/2011/jul/29/wrongfully-convicted/>

Wrongfully convicted: A look at 5 cases

By [Rebecca Clifford-Cruz](#) ([contact](#))

Friday, July 29, 2011 | 2 a.m.

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- [Time for Nevada to enact law on wrongful-conviction compensation?](#)

Wrongful conviction: A legal proceeding resulting in a prejudicial outcome. A miscarriage of justice arises when the decision of a court is inconsistent with the substantive rights of a party. — West's Encyclopedia of American Law, 2nd edition

It happens and the consequences are costly. Not only costly to the individuals who lose years of their lives behind bars, but to the taxpayers who ultimately pay for settlements. Here is a sampling of wrongfully convicted local individuals and the compensation some received following their release back to freedom:



[Photo by Rebecca Clifford-Cruz](#)

Roberto Miranda - \$5 million settlement

Miranda spent 14 years on death row after being convicted of the stabbing death of Manuel Rodriguez Torres. He always claimed he was innocent, appealed his case and was granted a new trial after a judge found the trial attorney had committed errors. Prosecutors declined to retry the case and Miranda was released in September 1996.

Represented by a law firm from Wyoming that specialized in civil rights cases, Miranda sued Clark County, the county public defender's office and two former Las Vegas Metropolitan Police Department homicide detectives. Miranda's lawyers claimed an inexperienced public defender who had been on the job for only a year failed to give proper representation and did nothing to help him avoid the death sentence. The lawsuit claimed the public defender's office rarely investigated and defended cases against minorities, those who did not belong to the Mormon church, and those who failed to perform well on "reliable" polygraph tests administered by the office. Miranda, a native Spanish-speaker from Cuba, took a lie detector test administered by an English-speaking examiner and failed.

The lawsuit was settled and [Clark County paid Miranda \\$5 million.](#)

<http://www.lasvegassun.com/news/2004/jun/30/former-inmates-lawsuit-settled-for-5-million/>

Former inmate's lawsuit settled for \$5 million

Jace Radke

Wednesday, June 30, 2004 | 11:04 a.m.

A man who spent 14 years on Nevada's death row for a crime he said he didn't commit settled a federal lawsuit against Clark County for \$5 million, ending a claim that alleged he was not adequately represented by the Clark County public defender's office.

Represented by an attorney who had passed the state bar only months before, Roberto Miranda was convicted of killing a man and sentenced to death in 1982. On appeal, a judge ordered a new trial because of errors in his defense, and Miranda was released in September 1996 after prosecutors decided not to pursue the case.

Miranda claimed his attorney failed to adequately defend him and said he didn't find a witness who could have cleared him of the crime.

JoNell Thomas, one of Miranda's attorneys, said she hopes this case brings more attention to the needs of the public defender's office, especially when it comes to the defense of those facing the death penalty.

"This sends a clear message to the Clark County commissioners about how important it is to allocate money to the public defender's office," Thomas said of the settlement that was followed by U.S. District Judge Larry Hicks' dismissal of the case. "If you don't spend the resources on the front end to provide experienced attorneys, investigators and researchers you will pay on the back end, and you'll pay a lot more."

His 1998 federal lawsuit against the county named former Public Defender Morgan Harris, Deputy Public Defender Thomas Rigsby and two former Metro Police homicide detectives.

The case was initially thrown out by a federal judge and a panel of the 9th U.S. Circuit Court of Appeals before another appellate panel allowed Miranda to sue the county and Harris.

The settlement will be paid by Compass Insurance, the successor to the company that insured the county during Miranda's trial in 1982, said Walt Cannon, who represented the former Metro detectives in the case.

Mary Miller, the county's attorney, said that the county paid its insurance premiums in 1982 and that the settlement will not cost county taxpayers any money. The county is now self-insured, Miller said.

An undisclosed amount of attorney fees will be paid by Miranda from the settlement money, Thomas said.

Miranda, who was convicted of the stabbing death of Manuel Rodriguez Torres, insisted that a key prosecution witness had a reason to frame him, but Rigsby failed to locate witnesses that would help prove his case.

Miranda's appellate attorney located the witnesses and convinced a judge to grant him a new trial.

According to the lawsuit, the public defender's office "threw in the towel while Miranda sped toward his execution."

Over the last year the county has added 10 new positions to the public defender's office to bring the number of attorneys in the office to 80, but unless more is done others will fall

through the cracks like Miranda did, said Gary Peck, executive director of the American Civil Liberties Union of Nevada.

"I commend the county for the steps they have taken, but not enough has been done," Peck said. "There is at least one department in the public defender's office where attorneys are carrying caseloads of 500 or more cases making it impossible for them to provide any meaningful representation.

"As long as this problem exists the county is going to be exposed to more lawsuits, settlements and judgments."

Clark County Public Defender Phil Kohn said that it's no secret that his office is understaffed and underfunded, with his attorneys carrying about 350 cases apiece every year.

"We have got some new bodies, but the main point is that the county has recognized the problem and made us and social services the priority," said Kohn, who added that he would like to see that number drop to about 250 a year.

Kohn said he recognizes that the juvenile division is still buried under about 500 case per year per attorney, but added that the division has grown from two attorneys to 10 over the past two years.

Kohn said the office has made some other changes including establishing murder teams that draw on the office's most experienced attorneys for death penalty cases.

"We don't put rookies on death penalty cases," Kohn said. "The murder teams insure that the horror that Roberto Miranda lived through won't ever happen again."

Another change is that there are now team chiefs who don't have caseloads and can better supervise the office's attorneys, Kohn said.

A 2003 report commissioned by the public defender's office and prepared by the National Legal Aid and Defender Association, showed glaring problems with the growing caseloads handled by Clark County public defenders.

For example:

Peck echoed Thomas' comments that the settlement should be a message to the county commission.

"During the last budget cycle a number of political and policy decisions were made," Peck said. "Money was poured into different agencies and some steps were taken in the public defender's office, but if more isn't done we're going to continue to see the county gambling with tax payer money."

<http://www.nlada.org/DMS/Documents/1089316454.29/24212850.html>

Wednesday, June 30, 2004
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Settlement ends ex-inmate's saga

County insurance to pay Miranda, who spent years on state's death row

By [CARRI GEER THEVENOT](#)
[REVIEW-JOURNAL](#)

Former death row inmate Roberto Miranda has settled his civil rights lawsuit against the Clark County public defender's office for \$5 million, ending the Cuban immigrant's 23-year entanglement with America's justice system.

"We're really excited about it, excited for him and excited that it's over," said JoNell Thomas, one of Miranda's attorneys. "He's going to be able to move on with his life now and put this behind him."

Miranda, who spent more than 14 years on Nevada's death row, filed a federal lawsuit in 1998 that accused the public defender's office of contributing to his wrongful conviction in a murder case.

Thomas said the settlement, which is covered by an insurance policy, will give Miranda "some financial security for his future."

"It's also a sad fact that Roberto Miranda will never get back 14 years of his life, and no amount of money is going to change that," the attorney said.

Thomas declined to reveal what percentage of the settlement will go to Miranda's lawyers.

A Clark County jury sentenced Miranda to death in 1982 after finding him guilty of first-degree murder and other charges that stemmed from the August 1981 stabbing death of Manuel Rodriguez Torres.

Miranda was released from prison in September 1996. During an interview at his Las Vegas apartment several months later, he discussed the possibility of filing a lawsuit to seek compensation for his time behind bars.

"Even if they pay me \$1 billion for every year I spent in prison, they're not going to pay me or make the pain, the memory and everything that happened to me in 14 years go away," he said. "That stays with me until I die."

Thomas said Miranda, who turned 61 earlier this month, no longer wants his whereabouts

to be known.

"He would like to maintain his privacy, and I certainly respect that," she said.

Miranda's lawsuit said the public defender's office refused to investigate and defend his case adequately. The lawsuit alleged Las Vegas police failed to preserve and disclose critical information that would have cleared him.

The 52-page complaint named Clark County, then-Clark County Public Defender Morgan Harris, Deputy Public Defender Thomas Rigsby, and former Las Vegas police homicide detectives Robert Leonard and Michael Maddock as defendants. Rigsby was dismissed from the case before the settlement.

Las Vegas attorney James Pico and Ohio attorney Neil Freund, who represent the county, could not be reached for comment Tuesday. Thomas Beatty, the attorney who represents Harris, called the settlement an "economic decision."

"We always felt we had valid defenses," he said. "We're just pleased that it's over with at this point."

Beatty said the events that led to the lawsuit happened at a time when the county was insured, and taxpayers are not footing the bill for the settlement.

Most of Miranda's lawsuit focused on Rigsby's performance as his trial lawyer.

According to the complaint, Rigsby passed the Nevada Bar exam in October 1980 and began working as a deputy public defender in February 1981.

The lawsuit alleged Rigsby had no experience handling murder cases before being assigned to represent Miranda. It claimed the public defender's office had adopted policies dictating that it would minimally investigate and defend cases against minorities, those who did not belong to the Mormon church and those who failed to perform well on "unreliable" polygraph tests administered by the office.

"Unfortunately for Miranda -- a black, non-Mormon who allegedly did not do well on a polygraph examination -- these policies assured his conviction," the complaint alleged.

Harris, a member of the Mormon church, retired from the county in October 2001. Beatty said Harris is doing charitable work overseas.

Phil Kohn, who became the county's public defender in April, described Rigsby as a good lawyer.

"He just simply got that case way too early in his career, and he wasn't ready for it." Kohn said.

"What went wrong in Miranda will never happen again," Kohn said. "Do we still have caseloads that are too high? Of course we do."

Gary Peck, executive director of the American Civil Liberties Union of Nevada, said the county has taken some steps to alleviate problems in the public defender's office, "but there is a long way to go."

"I hope the amount of the settlement sends a powerful message to the county that it needs immediately to fix the most glaring problems in that public defender's office because failing to do so exposes the county to more lawsuits like Roberto Miranda's and more big-ticket settlements or judgments that could cost the taxpayers millions of dollars," Peck said.

Thomas praised Las Vegas attorney Laura FitzSimmons for the work she did to overturn Miranda's conviction and secure his release from death row.

"There was a significant possibility of having a far worse outcome," Thomas said.

FitzSimmons, who is vacationing in Hawaii, commented Tuesday by e-mail on the settlement.

"People complain about 'endless appeals' in death penalty cases," she wrote. "I represented Roberto during his last possible chance at justice and was afforded adequate funds from (U.S. District) Judge Lloyd George to do the job correctly. Without the appellate process, Roberto would have been executed."

FitzSimmons was appointed to Miranda's murder case in 1991. In early 1996, she persuaded visiting District Judge Norman Robison of Minden to grant Miranda a new trial, based on claims of ineffective assistance of counsel. Another judge dismissed the case after prosecutors declined to proceed.

Miranda maintained all along that a key prosecution witness, Fernando Cabrera, had a motive to frame him. Miranda said he had sexual relations with Cabrera's girlfriend.

FitzSimmons and a private investigator later found that woman and other witnesses whom Rigsby had failed to locate for the trial.

In granting Miranda a new trial in 1996, Robison wrote, "The lack of pretrial investigation and preparation by trial counsel ... cannot be justified."

George dismissed much of the lawsuit in 1999, but the 9th U.S. Circuit Court of Appeals in San Francisco reinstated all defendants but Rigsby. The remaining defendants then appealed to the U.S. Supreme Court, which refused to review the decision.

FitzSimmons, who supported Miranda financially for about six months as he struggled to adjust to life as a free man, said during a telephone interview Tuesday that she last spoke

with her former client about a year and a half ago. She said he occasionally sends her notes, and he most recently sent her one around the holidays.

FitzSimmons said Miranda continues to live in Las Vegas and has a girlfriend. The attorney said Miranda has been suffering from "significant medical problems" that prevent him from working, and she learned he recently underwent eye surgery.

In her e-mail, FitzSimmons said she has mixed feelings about Miranda's settlement.

"I worry it might overwhelm Roberto," she wrote. "But I also hope that people, including judges and lawyers, are reminded that the decisions they make at the beginning of a death penalty case can have profound financial ramifications in future years. It never saves money in the long run to rush to judgment in these cases."

Fabricated Prosecution Expert Testimony And Evidence Nets Michael Green \$2.6 million for 13 Yrs Wrongful Imprisonment

By JD Staff

In 1988 Michael Green was convicted of raping a Cleveland Clinic patient. He was released in October 2001 after being excluded as the woman's attacker by the DNA analysis of a washrag found at the crime scene that was used by the rapist to wipe himself. Green had been wrongly imprisoned for 13 years.

It was also learned during the reinvestigation of Green's case that Cleveland police lab technician Joseph Serowik falsely testified as an expert witness about key prosecution evidence. He testified that after analyzing the victim's and Green's pubic hair and head hair, he made a match and that his finding was statistically supportable – when it wasn't. He also testified that the washrag had only the rapist's semen on it - which he falsely claimed was Greens'. However it was impossible for the washrag not to have also had the victim's fluids on it – and it was later discovered it did. Thus the washrag was invaluable as evidence excluding any man whose semen was dissimilar to that on it. Furthermore, when Serowik's lab notes were reviewed by Green's lawyers, they discovered he knew at the time he testified that the washrag had a detectable presence of fluid from both the attacker and the victim.

The *Cleveland Plain Dealer* published a series of articles about Green's case in 2002 titled, *The Burden of Innocence*. Although Green had been released the previous year, Rodney Rhines confessed to the rape a week after the articles appeared, and he is currently serving a five-year sentence.

In May 2003 Green filed a multi-million dollar federal civil rights lawsuit in Cleveland naming as defendants: the Cleveland Clinic Foundation and several of its officers, the city of Cleveland, and two of his former lawyers. Among the suit's allegations were that Cleveland police investiga-



tors provided the victim with information that led her to identify Green in a lineup after she had previously failed to do so, and that the police fabricated some of the prosecution's evidence.

On June 7, 2004, Cleveland and Michael Green agreed to settle his claims against the city for \$1.6 million to be paid in ten annual yearly installments beginning in 2004, and the city also agreed to reinvestigate all criminal cases that meet at least one of the following four criteria:

- All cases from January 1, 1987 on, in which forensic lab technician Joseph Serowik testified at trial.
- Any cases in which Serowik performed serology and/or hair analysis before the defendant pleaded guilty before trial.
- A random selection of all other files involving Serowik and serology and/or hair evidence.
- A random selection of other forensic lab employees where serology and/or hair evidence has been analyzed since 1987.

Cleveland hired attorney James Wooley to oversee the forensic audit, that it is believed will include more than 100 cases.

At the time the suit was settled, the director of Cleveland's crime lab, Subodh Chandra, admitted about Serowik, "He's still in the lab. He still has his job. He's not doing serological or hair analysis any more." However both Serowik and his supervisor were later put on unpaid leave pending completion of Wooley's investigation.

After the settlement was announced, Michael Green commented about its unusual provision requiring an independently supervised audit of the Cleveland crime lab's work dating back 17 years, was, "This is a chance for me to reach through the bars and help the inmates I left behind."

Green had previously been awarded about \$1 million in compensation by the state of Ohio.

Source: City to pay \$1.6 million for man's prison time, Connie Schultz (staff), *Cleveland Plain Dealer*, June 8, 2004.

Ken Marsh \$50 Mil. Claim Rejected

In 1983 Ken Marsh was convicted of murdering Phillip Buell, his girlfriend's two-year old son. On August 10, 2004 his conviction was vacated and he was released from prison after his petition for habeas corpus was granted without opposition from San Diego District Attorney Bonnie Dumanis. Marsh's petition was based on the analysis of numerous medical experts that Phillip's injuries were consistent with those that would be caused by him hitting his head on a brick fireplace hearth after falling off of a couch.

That is not just what Marsh had claimed from the time he was first questioned about Phillip's injury, but the investigating officers with the San Diego Police Department concluded that Phillip's death was accidental from a fall. However doctors with San Diego's Children's Hospital influenced the San Diego DA to pursue murder charges against Marsh.

On September 3, 2004, Dumanis announced she was dropping the charges against Marsh because of an independent evaluation of the medical evidence by a Florida forensic pathologist, who was "unable to conclude beyond a reasonable doubt or to a reasonable degree of medical certainty that [Phillip Buell] was a victim of child abuse." The charges were dismissed that same day, after Marsh had spent 21 years wrongly imprisoned.

In early February 2005, Marsh filed a \$50 million claim

against San Diego County, claiming that county officials conspired to convict him of Phillip's death. The claim also named San Diego's Children's Hospital and several doctors as potential defendants.

The claim also alleged Marsh was convicted "as a result of false and misleading statements and statements made with reckless disregard for the truth by the county and its employees."

The county rejected Marsh's false imprisonment claim on March 23. Other claims were rejected by the county on February 15 as being untimely (late). Since Marsh has six months to file a lawsuit from the date the claim was rejected, Paul Leehey, one of Marsh's attorneys, anticipates a lawsuit will be filed on or before August 10, 2005.

For more information about Ken Marsh's case, see, *Toddler's Accidental Death Ends With Babysitter's Murder Conviction: The Ken Marsh Story*, *Justice:Denied*, Issue 25, Summer 2004, p. 4; and, *Ken Marsh Exonerated of Murder on September 3, 2004*, *Justice:Denied*, Issue 26, Fall 2004, p. 10.

Source: Man freed after doubt shed on conviction files claim, Greg Moran (staff), *San Diego Union-Tribune*, February 9, 2005. Attorney Paul W. Leehey email to Hans Sherrer, June 28, 2005.



Ken Marsh and his wife Brenda Warter. They were married after Ken's release from prison in the fall of 2004. (NBC7 San Diego)

Roberto Miranda Receives \$5 Million For Wrongly Spending 14 Years On NV's Death Row

By JD Staff

In 1980 Roberto Miranda immigrated to the United States from Cuba. In 1982 he was charged with the 1981 Las Vegas murder of Manuel Rodriguez Torres. Although he only spoke Spanish, Clark County, Nevada (Las Vegas) prosecutors administered a polygraph examination in English that he had great difficulty understanding. After performing poorly on the exam, the Clark County Public Defenders office assigned him an inexperienced lawyer a year out of law school who had never handled a capital murder case. Protesting his innocence, Roberto was convicted and sentenced to death.



After losing his direct appeal, Roberto filed a state post-conviction petition requesting a new trial. Roberto claimed he had been deprived of a constitutionally permissible level of representation by his lawyer. Among his claims was that his lawyer failed to investigate leads Roberto provided him with that would have supported his innocence and cast doubt on his guilt, as well as failing to vigorously contest the veracity of the prosecution's physical and testimonial evidence. Roberto also alleged that his lawyer had not pursued disclosure of exculpatory evidence concealed by the prosecution.

In 1996 a state District Court judge who stated in part — "The lack of pretrial investigation and preparation by trial counsel ... cannot be justified" - ruled Miranda had been denied effective assistance of counsel, reversed his conviction, and ordered a new trial. The murder charge was dismissed after prosecutors declined to retry Miranda. He was released after spending 14 years on death row.

Represented by Spence, Shockey & McCalla (Gerry Spence's Jackson, Wyoming law firm), in 1998 Roberto filed a federal lawsuit against Clark County, Nevada, the Clark County Public Defenders' office, and the lawyer who represented him at trial. His basic claim was his civil rights were violated by their handling of his case. A U.S. District Court judge dismissed the lawsuit on the ground that Roberto couldn't sue the county, the public defenders office, or the lawyer for poor representation. Roberto appealed that ruling, which was upheld by a three judge panel in the Ninth Circuit Court of Appeals. However sitting en banc, the Ninth Circuit partially reversed itself after granting Roberto's motion for reconsideration. In remanding the case back to the district court for trial, the Ninth Circuit ruled that Roberto could sue Clark County and the director of the Public Defenders office who assigned the inexperienced lawyer to Roberto's case (because he represented Clark County when he did so). However the Court ruled Miranda couldn't sue the ineffective lawyer. Clark County appealed the ruling to the U.S. Supreme Court, which in October 2003 declined to review the decision.

Facing a possibly catastrophic jury verdict for its egregious mishandling of Roberto Miranda's representation, Clark County agreed to a \$5 million settlement that was finalized on June 22, 2004 with the dismissal of his civil suit.

Sources: Settlement Ends Ex-Inmates Sage, Carri Geer Thevenot, *Las Vegas Review-Journal*, June 30, 2004. Wrongful Incarceration Suit Settled for \$5 Million, Press Release, Spence, Shockey & McCalla, June 29, 2004.

http://www.familyrights.us/bin/caselaw/9th_says_sue_public_defender.htm

9th Circuit Says Public Defender Can Be Sued

[Jason Hoppin](#)

[The Recorder](#)

02-05-2003

The 9th U.S. Circuit Court of Appeals put public defender offices on a liability hot seat Monday by reinstating the case of a convicted murderer who said his lawyer's ineffective assistance violated his civil rights.

In siding with Roberto Miranda, a man who spent 14 years on Nevada's death row, an en banc panel sent a strong signal that counties risk hefty civil judgments if they don't adequately fund public defender's offices.

"This decision should be brought to every government official who has some impact and decision-making power over public defender budgets," said San Francisco Public Defender Jeff Adachi.

The court voted 7-4 to reinstate Miranda's lawsuit against the Clark County public defender. He blamed his prison stay on an inexperienced prosecutor and office spending policies. After his conviction was tossed out on appeal, he sued his former lawyer, the public defender and Clark County. The district court said the claims were baseless, and a three-judge 9th Circuit panel agreed.

Ninth Circuit Chief Judge Mary Schroeder, writing for the majority, affirmed the dismissal of the claims against Miranda's lawyer, who was trying his first murder case. The man acted as Miranda's lawyer, not as an agent of the state -- even though, Schroeder wrote, he "did essentially nothing." She distinguished between a lawyer making independent decisions on behalf of a client and decisions based on an office's allocation of resources.

But former Clark County Public Defender Morgan Harris was an agent of the state, the court ruled, so those claims were reinstated. Harris used polygraph tests to help determine how much money and time to spend on clients, and Miranda failed his.

Judges Andrew Kleinfeld and Barry Silverman wrote separate dissents from the reinstatement of claims against Harris. However, Silverman and fellow dissenters Joseph Sneed and Thomas Nelson voted to reinstate the claims against Clark County itself, making the vote on that claim 10-1.

"The county doesn't have anything to do with assigning work to public defenders and doesn't have anything to do with training or licensing lawyers," Kleinfeld wrote in *Miranda v. Clark County*, 03 C.D.O.S. 1037. That is up to law schools, he explained.

One of Miranda's Wyoming lawyers, Spence, Moriarity & Shockey partner J. Douglas McCalla, said lawyers aren't ready to try murder cases out of law school without additional training.

"When you get out of law school, you don't know where to file a case, much less defend capital cases," McCalla said.

Based on the tip of a man Miranda's lawyers believe was the real killer in the 1981 stabbing, the 59-year-old Cuban immigrant was tried and sent to death row despite providing a list of dozens of witnesses, most of whom were never interviewed. He was released 14 years later when a Nevada judge ruled his lawyer was ineffective. He was never retried.

Miranda has an ongoing civil rights lawsuit against two Las Vegas police officers who worked on his case. Both McCalla and his associate, Larissa Ferullo, didn't think Monday's decision would lead to an outbreak of civil rights claims against public defenders.

"I don't think it's going to open ineffective assistance floodgates. ... I don't think it's going to affect every little thing," Ferullo said.