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JUDICIARY

Defense attorney faces disbarment

Prosecutors are asking the Florida Bar to suspend the license of powerhouse Broward criminal defense attorney Hilliard Moldof for up to one year.

BY WANDA J. DeMARZO
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Broward criminal defense attorney Hilliard Moldof may have his law license suspended after prosecutors say he admitted he was involved in witness tampering.

Moldof, a past president of the Broward Association of Criminal Defense Lawyers, signed an agreement with Miami-Dade prosecutors who investigated him, admitting the state had sufficient grounds to charge him with a felony. Prosecutors say Moldof had a role in paying \$100 to get a convicted killer to change his testimony about whether one of Moldof's clients was involved in the 2001 killing of a Fort Lauderdale warehouse manager.

The well-known lawyer also was fined \$25,000 for the cost of the investigation by the Miami-Dade state attorney's office and the Florida Department of Law Enforcement.

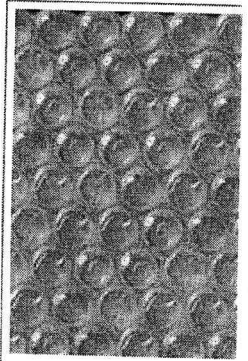
Moldof is said to have asked convicted killer Geoffrey Kennedy to say that one of Moldof's clients, Kevin Hoffman, had nothing to do with a murder.

Moldof, according to the investigative file, promised to set up a \$20,000 trust fund for Kennedy's son for switching his testimony.

Moldof was accused of having his legal assistant mail a \$100 money order to a pen pal who forwarded the money to a jailed Kennedy as a down payment for changing his testimony during Hoffman's upcoming murder trial.

The \$100 money order was "to curry favor," according to the state attorney's office.

"Moldof has admitted to violating Bar rules and that he could have been charged with tampering," according to the March state attorney's internal memo. But Moldof said he never admitted to witness tampering and that he passed a polygraph.



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Kennedy and Hoffman were charged with torturing and beating Michael Sortal, 47, to death on March 15, 2001, in his Fort Lauderdale apartment. The two men then robbed Sortal, police said. Kennedy was convicted in January 2002 of Sortal's murder and sentenced to life in prison. He initially agreed to testify against Hoffman, but changed his story, claiming he acted alone.

In 2003, Kennedy changed his story again, telling Fort Lauderdale homicide investigators that he was offered money to recant his earlier statement against Hoffman -- who was Moldof's client until July 30 when Broward Circuit Judge Susan Lebow replaced him.

Hoffman's first-degree murder trial is still pending.

State and local law enforcement officials have been investigating the allegations ever since.

In 2004, Gov. Jeb Bush's office asked the Florida Department of Law Enforcement and the Miami-Dade state attorney's office to investigate possible witness tampering and allegations of professional misconduct by Moldof.

Since Moldof is so well-known in Broward, Bush asked for an independent prosecutor to conduct the probe to avoid conflict.

On March 23, Miami-Dade prosecutors filed a complaint with the Florida Bar after concluding that Moldof violated Bar rules. But Moldof escaped felony charges.

Prosecutor Michael Von Zamft stated that while the joint investigation "indicated that Moldof had tampered with a witness," felony charges would not be filed because the offense was non-violent and Moldof had no criminal history.

Instead, prosecutors decided to arrange a "deferred prosecution agreement."

According to the plea agreement with Miami-Dade prosecutors, Moldof must admit to the findings of the joint investigation, including that he spoke with Kennedy and that he forwarded money to Kennedy.

The state attorney's office also is requesting that the Florida Bar suspend Moldof from practicing law for six months to one year.

He must also pay \$25,000 for the cost of the two-year probe.

Moldof said last week that "there's a lot more to the story than what the state attorney's office has given to the press."

His attorney, Mike Dutko, said "a just and fair resolution will be achieved" once the Florida Bar has reviewed the case.

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