



Criminal Lawyer and CSI: Miami Consultant

David Edelstein

Helps Professionals Caught Between a Rock and a Hard Place

By Sue Reddy Silverman

"It's a huge responsibility to have someone's life in your hands," said David Edelstein.

Being charged with a crime from a misdemeanor to a felony is a frightening and potentially life-altering experience. It brings with it feelings of shame and embarrassment, especially for those who have never come in contact with the criminal justice system before.

Miami criminal attorney David M. Edelstein has been helping people charged with crimes ranging from murder to DUI his entire career. He not only walks the walk, but talks the talk, living and breathing criminal law, so much so that even in his free time he is a watch dog of the criminal justice system – as a consultant on TV. Edelstein is the criminal law consultant for *CSI: Miami*.

"I consult with them to make sure that the paperwork and dialogue that they use in the show is accurate. I offer advice on courtroom procedures, legal pleadings and other technical aspects of a criminal court case. Ultimately, creative license takes precedence, but they do try to maintain the integrity of the show by making it as accurate as possible," he said.

Although Edelstein does include homicide cases in his practice, unlike *CSI: Miami* most of his cases are not about murders. He represents clients accused of all types of crimes, including felonies, misdemeanors and juvenile cases. Currently, Edelstein finds his caseload dominated by mortgage fraud, drug trafficking, and surprisingly enough, shoplifting cases. "You wouldn't believe the people that get caught shoplifting. I've represented bank officers, medical students, teachers...name a profession and I've probably represented them," he said.

One thing most of his clients have in common though, is that they are not criminals. "Most of my shoplifting clients can't even articulate why they did it. They're just so ashamed and humiliated." Most of the time, he says, it's not the end of the world even if his clients think it is: "There are ways to handle these cases so it doesn't follow someone around for the rest of their life. I really try to get them to stop beating themselves up. We're all human. We all make mistakes."

Whether it's a shoplifting case or something much more serious, Edelstein emphasizes the importance of retaining an attorney sooner rather than later. "The key to successfully defending a criminal case is to be proactive," he said. "People like to stick their heads in the sand and pretend that what's happening is just a bad dream that will go away on its own. That's obviously not the best approach. Getting an experienced defense attorney involved early on can really make a difference."

Just because Edelstein is based in Miami doesn't mean all of his cases are located there. To the contrary, he has represented clients across the state of Florida, from Key West to Jacksonville, and currently has open cases in six Florida counties. Recently, a federal case took him all the way to Portland, Oregon. Regardless of where his cases happen to be, Edelstein says that his goals are always the same: avoiding jail if at all possible and avoiding a criminal conviction.

According to Edelstein, it's hard to overemphasize the emotional impact of being investigated or charged with a crime. "Being arrested and prosecuted is traumatic any way you look at it. All of a sudden, everything's up in the air, and I do mean everything: your reputation, your career, your family... sometimes even your ability to continue living in this country." But he emphasizes that just because someone is being investigated or prosecuted doesn't mean there aren't options. Timing, however, is critical, Edelstein says.

It's timing that has a lot to do with the types of cases Edelstein is defending these days. Since the collapse of South Florida's red hot housing market, he has seen a sharp uptick in both federal and state mortgage fraud prosecutions. "Right now mortgage fraud is a big part of our practice," he said. "By some estimates it will take at least five years to get through the backlog of cases."

"Fraud was so rampant during the housing boom," he continued, "it's literally impossible for the government to prosecute it all." But it's important, he said, to distinguish between the real fraudsters and the people who had the best of intentions.

"There was egregious fraud going on, for sure. People were literally creating two sets of closing documents, inflating appraisals...the types of fraud going on were only limited by

peoples' imaginations. But there are a lot of people being indicted right now who didn't have [criminal] intent. Sure, some of them may have fudged or cut corners ... but like everyone else, they believed prices would just keep climbing. It's easy to forget just how crazy things were. Now we have the government looking at everything with 20/20 hindsight saying everything was fraud. But that's not fair. The same can't be said for corporate America and Wall Street. They knew exactly what they were doing."

Edelstein gets passionate the more he talks about the subject. "It's really outrageous when you think about it. Who's to blame for the mess we're in? Is it the working class people that the government is prosecuting, or is it the financial institutions that are perversely labeled as the 'victims' in these cases?" He continues, "I've had clients I've represented who were first-time home buyers. Not only did these people lose their homes — which in many cases was their entire life-savings — but on top of it they had to deal with prosecutors who wanted to put them in jail."

Another type of case Edelstein gets passionate about is drug trafficking cases. Although drug related crimes receive a lot of attention in the media and the movies, the vast majority of the cases he sees are simple possession cases gone awry. The problem is that even minor offenses can have very big consequences because of the way Florida trafficking laws are written. "Somebody can potentially face a minimum mandatory punishment of three years in prison for carrying as little as four pills of oxycodone," he said. "There's something very wrong with that." Edelstein continues, "law enforcement casts such a wide net that simple users find themselves facing draconian prison terms." The saddest cases, he says, are people who have verifiable medical conditions but don't have valid prescriptions for their drugs. "We like to watch *Locked up Abroad* on National Geographic so we can gawk at how horrible and draconian other countries' criminal justice systems are. The fact is we should be looking in the mirror."

David Edelstein began his career as an Assistant Public Defender with the Miami-Dade County Public Defender's Office, where he found the defense side of the law more in tune with his personality. Since establishing his firm, he has expanded his practice to include the representation of clients charged in both state and federal courts throughout the entire state of Florida. He also

practices at the appellate level by representing clients in state and federal criminal appeals. In addition, he is a licensed bar member of his home state, the Commonwealth of Kentucky.

Edelstein, AV® rated by Martindale-Hubbell, has been recognized by Florida Trend Magazine and the South Florida Legal Guide numerous times in the category of criminal defense.

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Mariano Ariel Corcilli Defends Those in Need

Mariano Ariel Corcilli, an associate with the Law Offices of David M. Edelstein, P.A., took an unconventional path to becoming a trial attorney. Before his first day of law school, Corcilli had already served our nation in operations spanning four continents. During his eight years in the United States Marine Corps, Corcilli deployed multiple times with the 22nd Marine Expeditionary Unit, where he participated in operations in Sierra Leone, Democratic Republic of Congo, Tunisia, Albania, Bosnia, and Kosovo. His experiences as a peacekeeper in the world’s most volatile regions gave him an appreciation for the importance of defending those in need. As a defense attorney, he continues this mission--albeit a little closer to home.

Some of the highlights of Corcilli’s Marine Corps service were serving as a Sergeant of Marines in the School of Infantry and as a Platoon Sergeant, where he trained hundreds of reserves. Corcilli believes that his experiences in the Marine Corps give him a unique perspective on his role in the criminal justice system. “While I was overseas, I had the chance to interact with people who didn’t have the rights that we enjoy,” he said.

Upon being honorably discharged, he went on to earn his Bachelor’s degree, cum laude, from the University of Florida, where he served as President of the Collegiate Veterans Society. During law school at American University – Washington College of Law, he participated in the drafting of the new G.I. Bill and counseled U.S. Congressmen on veterans’ issues.

Corcilli’s first job as a lawyer was serving as an Assistant State Attorney for the State Attorney’s Office, 15th Judicial Circuit. Prior to joining the Law Offices of David M. Edelstein, P.A., he was an associate at Lydecker Diaz, a Miami-based commercial litigation firm, where he was given the opportunity to litigate civil rights and First Amendment cases.

Although his current duties as a criminal defense attorney keep him busy, he remains a passionate advocate of veterans’ rights and national security--Corcilli is currently a Fellow at the Truman National Security Project in Washington, D.C., where he counsels political candidates and elected officials on national security and military affairs issues. He remains active on the local level as well as by giving back to his hometown of Miami Beach by serving as a board member for the Mt. Sinai Medical Center Foundation and volunteering in a poverty pro bono law clinic. In addition, Corcilli is a member of the Florida Bar Committee on Military Affairs, the Dade County Bar Association Veterans Committee, and the Miami Beach Bar Association. He also serves as a National Service Officer for the American Legion, is a member of the Marine Corps League and is a life-member of both the Veterans of Foreign Wars and the Disabled American Veterans.

