

Update: Andrew D. Stine Makes Closing Arguments and Michael Kagdis has been Acquitted

Date: April 8, 2011 9:51 AM

Author: [Andrew Stine](#)

Source: [Palm Beach Daily News](#)

Tags: [arrested](#), [cocaine](#), [criminal defense](#), [drug charges](#), [drug crimes](#), [drug trafficking](#)

Permalink: <http://bit.ly/eGOpfV>

[Criminal defense lawyer Andrew D. Stine](#) made his closing arguments on Wednesday in the case of Michael Kagdis who was facing four felony drug charges, including trafficking. Kagdis was arrested when police used a confidential informant who was actually one of Kagdis's personal friends.

The following information is from an article in [Palm Beach Daily News](#)

Kagdis has been acquitted

The jury acquitted Michael Kagdis, 42, on Wednesday on three of four felony drug charges. Charges include Trafficking of Roxycodone, possession of cocaine within 1,000 feet of a school, ownership of property for the purpose of trafficking, manufacturing or selling a controlled substance, and possession of drug paraphernalia.

On possession of cocaine with intent to sell within 1,000 feet of a school, the jury found Kagdis guilty on the lesser charge of possession of cocaine, which is a third-degree felony, punishable by up to five years in prison. Kagdis, has no previous criminal record.

Kagdis's was arrested on Aug. 14, 2009 after police searched his Midtown apartment and vehicle finding a small bag of cocaine in his bedroom (in a jacket pocket in his closet), and an unmarked bottle of 50 Roxycodone pills in his vehicle.

Kagdis testified that his friend (the confidential informant) set him up. Police found a plate of cocaine under her bed after attaining a search warrant for her home, and offered for her to assist in an investigation instead of facing charges. Kagdis says she set him up to escape her own charges.

She had borrowed his vehicle the entire day before police searched his property and arrested Kagdis.

Both Kagdis and [criminal defense lawyer Andrew Stine](#), said the most important thing is that the jurors

understood he wasn't guilty of trafficking or selling drugs.

"I took this to a jury trial because I wanted to combat the indictment against my character, the most slanderous of which was trafficking and drug dealing," Kagdis said. "Of course, I'd be much happier if I was fully acquitted. However, I think the jury's decision clearly reflects that I had no involvement in the more nefarious implications."

The jurors — three men and three women— took nearly three hours to return the verdict. Assistant State Attorney Christy Rogers said, "I respect the verdict."

Closing Arguments

In closing arguments, [defense lawyer Andrew Stine](#) pointed out that the police got the search warrant on Aug. 7, 2009, but didn't execute it until Aug. 14, one day after the informant borrowed Kagdis' car for the entire day, knowing he was going to be at the Norton Museum of Art that night.

Stine also said the police submitted no fingerprint or DNA evidence from the pill bottle found in Kagdis' car.

"That would have been conclusive possession," Stine said. "There's no conclusive evidence he ever possessed it, and if you've never possessed it, you never had knowledge of it. There's no evidence linking Mr. Kagdis to these drugs."

Stine said he believed the verdict would be in their favor after jurors sent two questions back to the judge for clarification. They were: "If more than one person has keys or access to a vehicle or residence, does the owner have exclusive control?" and "Define control over a controlled substance if it's not in a place over which a person has control?"

Stine said he is unsure if they will file an appeal.

"We recognize their verdict, we accept their verdict and we greatly appreciate them for their time and the close attention they paid in this case," Stine said. "We respect their authority and we believe they did a good

job.

“The jury clearly believes, and the facts show, that Mr. Kagdis does not sell any illegal narcotics,” Stine said. “Because he has no record, I anticipate that the sentence would be no jail time, nine months probation and adjudication withheld, so that Mr. Kagdis would not be a convicted felon.”

Sentencing is set for May 6.

[Distributed by IntelBuilder Social Media Platform](#)