

# Update: Andrew D. Stine and Michael Kagdis Team Up to Appeal Felony Drug Charge

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[Criminal defense lawyer Andrew D. Stine](#) represented Michael Kagdis last year in a case involving [drug charges](#), a confidential informant, and a potential illegal search and seizure. After Stine made his closing arguments in April 2011, Kagdis was acquitted of three of four felony drug charges. Now, Stine and his client Kagdis are appealing the final drug charge on account that the evidence found should be suppressed because it was the fruit of an [illegal search and seizure](#).

## The Arrest

Michael Kagdis was arrested on Aug. 14 2009 after police searched his Midtown apartment and vehicle, finding both cocaine and and Roxycodone pills. Kagdis testified that his friend, the confidential informant in the case, had set him up. After an investigation, 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.

## The Appeal

Now, criminal defense lawyer Andrew D. Stine is appealing the conviction and requesting for the evidence to be suppressed because the search warrant obtained to search Kagdis' property was obtained based on a confidential informant's information that may actually have been untrue.

The main argument is that the trial court failed to allow Kagdis to review the affidavit that support the search warrant against him, which would have given him the opportunity to review the truthfulness of the claim. If Kagdis had the opportunity to review the search warrant, he more than likely would have shown that the facts were incorrect and that confidential informant's reliability should have been questioned.

According to lawyer Andrew D. Stine, "Additionally the affidavit contained allegations that demonstrated a reckless disregard for the truth, and omitted facts that had the magistrate known about never would have issued the warrant."

There are more points of facts that show the search warrant should never have been issued had all the evidence been reviewed properly beforehand, rendering the search and seizure illegal. First, the confidential

informant was a person the police have never used before to obtain sensitive information used to support a search warrant. Second, during the actual investigation of Kagids, the confidential informant who facilitated his arrest was actually in possession of [Oxycontin](#), and enough to be charged with drug trafficking. Finally, the confidential informant is a known drug addict and the subject of a continuing police investigation. The arresting officers had also failed to record the confidential informant when she was with Kagdis, and depended on her word. Her word was the evidence used to obtain probable cause for the search warrant.

Clearly, it can be argued that the confidential informant was not a reliable source of information.

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