

Teen who defended self gets attorney

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Evangeline Castillo returned to the Hillsborough County Courthouse on Thursday, gripping documents she hoped would prove that she could not afford an attorney for her 16-year-old son.

Among them was a \$198 utility bill and her brother's death certificate.

The man she would have to persuade was Circuit Judge Richard Nielsen.

The judge had made her teenage son defend himself during a recent restitution hearing involving the theft of two cars. No lawyer was appointed, and Castillo was tossed out of the courtroom after trying to counsel her son in Spanish.

"I'm a nervous wreck," she said Thursday. Her son, Juan Carlos Elias, sat nearby in baggy jeans and a short-sleeve shirt.

Two days after the St. Petersburg Times detailed the teen's courtroom predicament, Nielsen made room on his docket to determine whether the family was indigent and, hence, entitled to free counsel.

The hearing was over in 10 minutes.

Castillo got a court-appointed Spanish translator. She also got Dee Ann Athan, an assistant public defender, who came as a friend of the court to ask Nielsen to consider appointing a public defender.

The judge swiftly granted the family free counsel.

Nielsen has not discussed the case. He continued to decline to comment Thursday.

He is running unopposed in judicial elections in September. Gov. Jeb Bush appointed him to the bench in 2000. His legal background is in civil litigation.

Attorney Tina Dampf also showed up Thursday. She represented Elias during the plea bargain phase of the trial.

"They could no longer afford to keep paying us," Dampf told Nielsen.

Even so, Dampf did not withdraw from the case. But the clerk of the court failed to notify her of the restitution hearing, she said. And Castillo, figuring she was now on her own, did not contact Dampf about it.

"I should have been here and would have been here," Dampf said.

Athan said she would likely file a motion for another restitution hearing. Otherwise, the Public Defender's Office can

appeal the restitution, she said. The amount, which involves a co-defendant, is \$4,608.94.

During the initial hearing, Elias repeatedly had asked Nielsen if he had a lawyer. Florida law says juveniles are to be represented by counsel at all stages of a case.

"I don't have nobody representing me?" Elias asked Nielsen. "I don't understand these things."

Elias was put on probation. He was ordered to do public service and attend school. He had dropped out, but Thursday he re-enrolled in a vocational school, Castillo said.

Athan said the case now seems on track. "Ultimately, I think the system shakes itself out."

Dampf said she would like to see Elias cleared of paying any restitution.

The victim worked for the U.S. Army and had two cars stolen from his house in Brandon. One, a Plymouth, was issued by the government. The keys to his personal vehicle, a Honda Sierra, were in the Plymouth, and the youths stole the second car, as well. He also had a pistol and a military badge that were never recovered.

Dampf said two other teenagers involved in the case were responsible for damage to the victim's personal property, not Elias.

"Hopefully, a second restitution will be granted with an outcome far more favorable and fair to Juan Carlos," she said.

Castillo, a former courthouse custodian, smiled afterward.

"It was their mistake and they were right to correct it," she said. "Everybody is entitled to make mistakes."

- Kathryn Wexler can be reached at 226-3383.

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Abstract (Document Summary)

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Circuit Judge Richard Nielsen (ran Tampa & State, Metro & State); [Juan Carlos Elias]; Evangeline Castillo (ran Tampa & State); Photo: PHOTO, (3)

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