

## Lawyer not allowed to retract his guilty plea

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### *Judge says he should have understood deal*

Nashville attorney David Gold was supposed to report to jail yesterday to begin serving a 90-day sentence after pleading guilty last month to acting as an accessory after the fact of a robbery.

Instead, he was in court attempting to withdraw the plea.

Gold, 35, was accused of trying to coerce a witness in a criminal case into sticking with a story that he knew was a lie. That lie would have protected one of the lawyer's clients — a man accused of allowing his pit bull terrier to attack another man, then rifling through the victim's pockets for cash and drugs.

Gold argued yesterday that a prosecutor in the Davidson County district attorney's office had pressured him into pleading guilty and tricked him into waiving his rights.

But Davidson County Criminal Court Judge Seth Norman refused to let him withdraw his guilty plea, saying Gold was asking the court to "totally overlook" the fact that he was an experienced criminal defense lawyer when he pleaded guilty Nov. 19.

"It's totally different when you're standing up at the podium as a litigant as opposed to some detached advocate for your client," Gold told the court.

Gold won only a temporary reprieve from going to jail. Norman said he could remain free on bail until his appeal can be heard by a higher court.

Gold said prosecutors turned his life upside down, allowing him only a few days to decide whether to accept the plea deal.

Peter Strianse, who represented Gold during the hearing, grilled Deputy District Attorney General Tom Thurman about why Gold was given only a matter of days to make such a big decision. (Many defendants typically receive a year or more to decide, Strianse later said outside of court.) "What was the big rush to get Mr. Gold in here to plead guilty?" Strianse asked Thurman.



MICHAEL CLANCY  
**Judge Seth Norman instructs attorney David Gold to answer Deputy District Attorney General Tom Thurman's question.**

Thurman said he was concerned that Gold was a lawyer and that he had to protect the public from him. He also said that the client accused in the dog attack and robbery had an upcoming preliminary hearing and that Gold was still representing him.

Gold argued that prosecutors also improperly threw in a last-minute provision while reading the statement of facts in the moments before his guilty plea.

Gold said he asked his first lawyer, David Raybin, about whether the client accused of aggravated robbery would have to be convicted of the crime for Gold to be found guilty on the accessory charge.

Raybin responded that the law was unclear, Gold testified.

Gold said he didn't realize that prosecutors were going to make him waive the conviction of the client as a condition to his plea.

Gold has 30 days to appeal Norman's decision.