

Heath sentencing rescheduled

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By LOU HIRSH / The Press-Enterprise

Sentencing for Daniel W. Heath, convicted in a \$190 million fraud scheme that bilked 1,600 mostly elderly investors, has been rescheduled to May 23.

Heath, president and sole officer of the now defunct D.W. Heath & Associates, had been scheduled to be sentenced this morning in Riverside County Superior Court in Corona. But Judge Ronald Taylor rescheduled sentencing after Heath's defense attorney, Barry O. Bernstein, petitioned the court this week to be excused from the case.

Details are sealed to due to issues relating to attorney-client privilege, but Taylor said Bernstein apparently had an "irreconcilable conflict of interest" with his client.

Bernstein, who was not in attendance, said by phone prior to the proceedings that he filed a motion on Monday to be excused as Heath's attorney, and that request was granted Thursday in Riverside following a hearing before Superior Court Judge Michele Levine. The attorney would not elaborate on issues he had with Heath.

Attorney James Texiera, representing Heath on an interim basis, told the judge this morning he was not prepared to move forward with sentencing. The court will appoint a new attorney for Heath sometime before sentencing.

Following a nearly five-month trial, Heath was convicted in January on 400 criminal counts, including theft from the elderly, securities fraud and money laundering.

County Deputy District Attorney Michael Silverman said his office has revised the calculation of Daniel Heath's potential prison term, from 117 to 127 years.

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