

## Hunt Can't Withdraw Guilty Plea

Gregory A. Hunt, one of the defendants in the Timothy Cutting case, was not allowed to withdraw his guilty plea in Delaware County Court on Friday.

After a hearing, Otsego County Judge Brian Burns ruled that Hunt was not coerced by his attorneys, Robert Gouldin and William Schebaum, into entering a guilty plea.

"Mr. Hunt does not tell the truth nor does he take responsibility for his actions," Burns said. "He blamed his friends, with whom he was drinking, for Mr. Cutting's death, and now he blames his attorneys.

"He took an oath today to tell the truth and it was the same oath he took when he entered his plea," Burns said. "He admitted he lied then, and today he lied again."

Burns scheduled Hunt's sentencing for 9 a.m. March 7.

Hunt is the last of the seven defendants in the Cutting case to be sentenced.

Cutting's body was found by a woman walking through the woods in Sidney on July 11, 2003. An autopsy showed that Cutting, 29, died of severe head and body trauma suffered during an attack.

Ernie Cutting, Timothy's brother, said he was glad to be done with the court cases related to his brother's death.

"It's been a long 18 to 20 months, a long time," Cutting said. "Gregory Hunt is a habitual criminal who was using the court system for his own means."

Six members of the Cutting family and four representatives of the Hunt family were in court for the hearing.

Hunt's sentencing was postponed Dec. 17 after he wrote a letter to the court claiming he had not received effective counsel from Gouldin and Schebaum and alleging they forced him into entering a guilty plea.

Burns appointed lawyer Greg T. Rinckey to take over Hunt's case.

Hunt, 20, of Unadilla pleaded guilty June 22 to first-degree manslaughter in exchange for a prison sentence of 23 years with five years of post-release supervision. He was facing trial on charges of second-degree murder, first-degree manslaughter and first-degree gang assault.

During the hearing Friday, Gregory Hunt testified that during the weekend before his trial began, Gouldin and Schebaum put constant pressure on him to agree to a plea bargain.

Gregory Hunt said Schebaum was "very rude, very pushy and loud. He was yelling and screaming and telling me I was guilty. He called me stupid, a retard and an idiot.

"I wouldn't take the deal because I didn't feel I was responsible for Tim's death," Gregory Hunt said. "Then they showed me a picture of him lying on the hill with a lot of blood. They

said 'This is the problem. This is why you have to plead guilty.'

Gregory Hunt said Gouldin and Schebaum repeatedly told him he would get 50 years to life if he didn't take the plea deal.

Delaware County District Attorney Richard Northrup called Schebaum and Gouldin to the stand.

Schebaum said the maximum sentence for second-degree murder is 25 years to life and Hunt could have been facing additional determinate sentences of 25 years each on the first-degree manslaughter and first-degree gang assault.

Schebaum said it would have been the judge's decision whether to run the sentences consecutively, which could have been 50 years to life, or concurrently.

During his decision, Burns said Hunt's attorneys testified that they were ready to go to trial and had a clear strategy on how to proceed with the case.

"(Schebaum and Gouldin) had a professional obligation to encourage their client to act in his own best interest," Burns said. "There is nothing inappropriate or coercive about telling a client the truth about the potential sentence.

"The court resolves the conflict by finding Mr. Hunt not believable, but the attorneys are," Burns said. "Mr. Hunt received meaningful representation and he was not coerced. The plea was made voluntarily and intellectually with effective assistance of counsel."

Northrup said he was pleased with the way the hearing went.

"Judge Burns made an appropriate decision based on the facts," Northrup said. "But I was unable to prepare much because I didn't know what to expect."

Hunt has been held without bail since his arrest July 12, 2003.