

After 50-year sentence ruled illegal, victim oks much shorter term for Delray shooter



Michael W. Levine, 31, has pleaded guilty to an attempted second degree murder charge from a 2004 shooting in Delray Beach. Originally sentenced to 50 years, Levine will get a new 22-year prison term under a deal with prosecutors that awaits a judge's approval Sept. 29.



By **Marc Freeman**
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The shots from Michael Weill Levine's assault-style rifle rang out three minutes after midnight along a Delray Beach street.

Sitting behind the wheel of a Lincoln, the 17-year-old Levine pumped two rounds through the walls of a house where children were sleeping that 2004 night. They weren't hurt.

But Levine's intended target, Cedric Brown, 24, wasn't as fortunate. He was hit three times as he ran away, collapsing and bleeding from the chin, chest, and left leg. He survived, but needed a metal rod and pins for the leg.

Brown has now given his blessing to a reduced prison sentence and plea deal for Levine, whose original punishment of 50 years is to be cut down to 22 years.

Palm Beach County Circuit Judge Laura Johnson is expected to approve the new sentence on Sept. 29, answering Levine's long quest for a second chance. After being locked up his entire adult life, the 31-year-old convicted felon looks forward to gaining total freedom before his 40th birthday.

"Michael was so young and immature and lost in life when he committed his crime," said defense attorney Guy Fronstin, who thanked the State Attorney's Office for negotiating the new terms.

"Michael is very happy with the deal we reached, because now he will be released as a young adult," Fronstin added.

Illegal sentence

Levine wound up with the 50-year sentence after pleading guilty six months after the shooting. He was hoping then for a six-year youthful offender sentence, but the former judge in the case called Levine a danger to the community and laid down the hammer.

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Michael owns that his actions were reprehensible.

— Guy Fronstin, defense attorney

Later acting as his own lawyer, Levine in 2014 managed to convince the Fourth District Court of Appeal that his sentence was illegal.

The court ruled the maximum possible term was 30 years for the attempted second degree murder charge and sent the case back to the trial court.

As a result, Assistant State Attorney Aleathea McRoberts argued Levine should simply be resentenced to the most years allowed.

Levine's lawyer weighed seeking a trial, but that would mean facing an attempted first-degree murder charge, punishable by up to life in prison for a conviction. He pressed McRoberts for a deal, but she refused to budge.

What finally broke the stalemate was a sworn statement from the victim in May.

After being informed about Levine's remorse for the shooting, Brown told a private investigator in New York City he didn't object to a 16-year sentence suggested by the defense.

Brown could not be reached for comment. Yet he reportedly told the investigator that Levine "wasn't a bad kid."

That persuaded the prosecutor to offer a term of 22 years, including a mandatory minimum of 20 years. McRoberts could not discuss the arrangement, because the case remains pending.

Fronstin said another key mitigating factor for Levine was his outstanding conduct in prison, with a record of achieving his GED plus continuing studies in history, politics, art and the law. He has shed his violent past.

"Michael owns that his actions were reprehensible, and every minute of every day he is overwhelmed with regret and remorse for the pain he caused the victim, the victim's family and his own family," the attorney said.

The shooting

The crime started with an argument Levine had with a man concerning a marijuana deal, while inside Brown's home in the 5000 block of Northwest Sixth Court.

While leaving the property in the Rainberry Woods neighborhood, about 11:30 p.m. Jan. 12, 2004, Levine threatened to return with a rifle, according to a police report.

Levine drove home, grabbed the weapon and his mom's car keys, and went out again.

At 12:03 a.m., Levine drove a 1991 Lincoln sedan back to Brown's street. He spotted Brown outside.

Brown started running but Levine followed in the car. Clutching the .233-caliber rifle, Levine reached out of the window and fired numerous times.

At the time of the shooting, Levine was on house arrest, facing an aggravated battery charge as a juvenile, and he didn't have a valid driver's license, records show.

Before their son was sentenced in the shooting case, Levine's parents pleaded for leniency. They told then-Circuit Judge Hubert Lindsey that the teen had anger issues, and had suffered beatings inflicted by classmates.

Levine said he was sorry for "acting like a bad guy."

But the judge agreed with the former prosecutor on the case that Levine must be sentenced as an adult over the violence.

Judge Lindsey told Levine he expected him to serve the full 50-year-sentence for the attempted murder and two gun charges.

"It's my intent that you spend every single day of this sentence in the Department of Corrections," he said.

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