

American Board of Criminal Lawyers
THE ROUNDTABLE

Vol. MMXII, No. 12

Late June 2012

EXHILARATING JOLT OF ENERGY!

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have been ~~nominated~~ ^{elected} for 2013!

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**FIGHT
EXTREMISM**



NEWS

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MARGARET SCOTT

Justice Served (at Last Supper)

Jury finds Theodore man not guilty of years-long sexual abuse of 2 young relatives

By Brendan Kirby | bkirby@a1.com November 06, 2012

MOBILE, Alabama – A Mobile County jury this afternoon found a Theodore man not guilty of sexually abusing two female relatives over a period of years, beginning when they were young children.

The Mobile County Circuit Court jury acquitted Joseph Eugene Lowe, 43, on all six counts. "He'd have spent the rest of his life in prison had he got convicted of any of them," defense attorney Robert F. "Cowboy Bob" Clark said. "We needed all six counts."

Assistant District Attorney Nicki Patterson said she was disappointed by the verdict. "We always respect the jury's verdict," she said. "They heard the evidence and obviously didn't feel there was enough evidence to convict him of these very serious charges."

The girls now in their teens, testified that Lowe forced them to have sex with them over a period of years. But defense attorneys attacked their credibility, using text messages and testimony to demonstrate ongoing contact between them and the defendant that continued long after his arrest. In fact, according to testimony at the trial, both girls and their mother had dinner with Lowe the night before the trial began.

Patterson acknowledged that she did not know about any of that until defense lawyer Jeff Deen began cross-examining the first witness. It was, perhaps, as close to a "Perry Mason" moment as a lawyer is likely to experience.

But Patterson said she would have taken the case to trial even if she had known. The dynamics of child abuse within a family are such that it is not uncommon for victims to have conflicted feelings toward their abusers, Patterson said. She said she probably would have brought in an expert witness to describe those dynamics had she known about the dinner and the text messages. "I think that is often difficult for a jury to understand," she said.

Deen attributed the outcome to the "paucity of evidence. There was no physical evidence to back up what the accused was saying."

Deen challenged the older girl on other points. For instance, he noted, she had been given a recording device to try to catch Lowe making incriminating statements but that she did not use it. She also testified about an hourlong incident that supposedly occurred in her mother's bedroom when she was alone with the defendant in his home but could not recall the first time he had forced her to have intercourse. "She was very vague about the first time," Deen said.

The Mobile County Child Advocacy Center had investigated allegations that the older girl had made against Lowe in 2001, but she recanted within weeks. She later said she did so because Lowe had promised to stop.

The defense maintained that the girls made up the allegations for a variety of reasons that included bad blood between their grandfather and the defendant – who had been in business together – and anger by the younger girl over Lowe's refusal to buy her a certain kind of cell phone.

"This was a total lie fabricated by kids who were pissed off," Clark said.

Justice was served

Dear Fellows:

Let's hear it for Jon Paul Rion who won another murder case last night. The facts are unbelievable. Our client went to the residence of a fleece merchant to inquire about five dollars. Our client arrived with a ski mask, a gun and a posse. In the end the fleece merchant was pistol whipped and his enforcer was killed. The charges were murder, felony murder, two counts of conspiracy to commit robbery, two counts of attempted robbery and battery. Rick Kammen's office gets credit for this assist. The client was acquitted of everything but slapping the fleece merchant. Justice was served.



"When life gives you lemons, make a lemon-rind shiv."

Idle thoughts on Busyness

Extreme busyness, whether at school or at college, Kirk or market, is a symptom of deficient vitality, and a faculty for idleness implies a catholic appetite and a strong sense of personal identity."

*- Robert Louis Stevenson,
"An Apology for Idlers," 1877*

CONGRATULATIONS TO STEVE

Funny Moments In The Law

By: Thomas F. Liotti

Attorney – Your Honor, I wish to ejaculate on your record.

Judge - Excuse me?

Attorney – Hour Honor, I wish to ejaculate on your record.

Judge – How long will that take you counsel?

Attorney – Not more than fifteen minutes.

Judge – I think you're premature.

Court Reporter – May I be excused? (She then runs out of the courtroom)

Clerk of the Court – (Holds up calendar book as a shield).

Court Officer – Take your hands out of your pocket!

Attorney – May I begin?

Judge – No, please stop. Evacuate the courtroom, the Court stands in recess call the fire department.

From: "Ian N. Friedman" <ifriedman@faflegal.com>
To: "abcl" <abcl-us@googlegroups.com>
ent: Friday, October 12, 2012 9:14 AM
Subject: [ABCL-US] President Jon Paul Rion
Friends,

I am pleased to announce that today our colleague and fellow **Jon Paul** officially becomes President of the Ohio Association of Criminal Defense Lawyers. It is good to know that our state is in such good hands. He continues to raise the bar and is a tribute to the ABCL.

Congratulations to my friend.

Ian



"I've heard mitigating things about you!"

THE National Association of Criminal Defense Lawyers

CHAMPION

August 2012



Steven D. Benjamin
NACDL's 54th President

MAXIMS Minimus

The normal doesn't mean you.

The only currency for love is love.

Before thinking outside the box, first get into it.

Democracy is a kingdom of the wealthy.

All religions preach love and hate each other.

The old suffer every new invention.

Federal judge sentences lobbyist Jennifer Pouncy to probation in bingo vote-buying scheme

The Birmingham News - September 26, 2012



Jennifer Pouncy, left, walks from the Federal courthouse in Montgomery, Ala. on Wednesday Sept. 26, 2012 with her attorney Tommy Spina after Pouncy was sentenced to three years probation for her part in the gambling corruption trial. (AP Photo/Montgomery Advertiser, Mickey Welsh)MONTGOMERY, Alabama -- A federal judge this morning sentenced former lobbyist Jennifer Pouncy to probation for three years for her role in a bingo vote-buying conspiracy.

Prosecutors had asked the judge to sentence Pouncy, who pleaded guilty to one count of conspiracy, to two years in prison, saying she committed serious crimes. However, defense lawyer Tommy Spina asked for leniency saying Pouncy was only following her bosses orders when she delivered bribe offers to two state senators to entice them to vote for a gambling bill.

"She wasn't going to open a casino. (Prosecutors) talk about greed. She was just trying to keep a \$60,000-a-year job," Spina said.

Pouncy testified at two trials that she was the reluctant go-between for her boss lobbyist Jarrod Massey and casino developer Ronnie Gilley as they made offers of campaign contributions to state senators to get their votes on a bill aimed at keeping electronic bingo casinos open across the state.

Spina said Massey and Gilley were the masterminds of the scheme. "They were driving the bus, she was just a puppet and an attractive young lady that they used," Spina said.

Spina described Pouncy as the hard-working mother of a 3-year-old son and said it would do no good to send her to prison.

Pouncy's voice cracked as she apologized to the court and to her family for her actions. "I'm very sorry for what I have done ... I wish I was stronger. I wanted to tell my family I am sorry," my husband, my baby boy," she said.

But federal prosecutor Rae Woods told U.S. District Judge Keith Watkins that Pouncy deserved prison time because her crime was serious.

"The crimes threatened the very system of government here in Alabama," "We're talking about a defendant who has admitted offering bribes to state senators," Woods said.

Pouncy faced up to five years in prison and Woods said prosecutors were already agreeing to a substantial departure by seeking two years.

Spina said Pouncy was the first to cooperate with the investigation and her assistance helped get guilty pleas from Massey and Gilley. Pouncy had also been through a "roller coaster," Spina said.

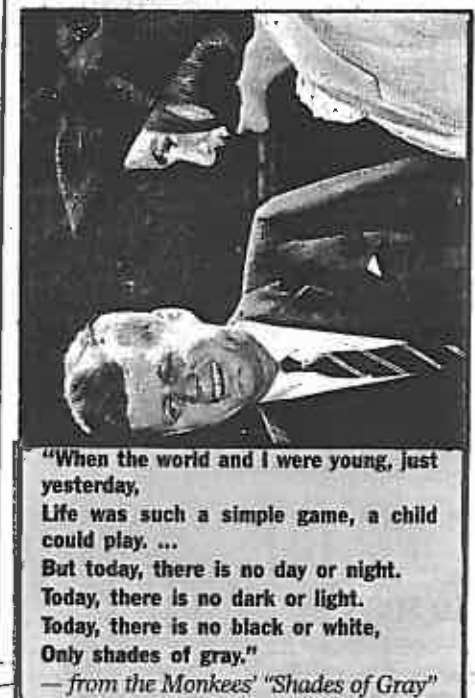
Spina told the judge during plea negotiations prosecutors initially offered to recommend probation but that was yanked away by the new chief of Public Integrity at the Department of Justice.

Pouncy at trial also went through an aggressive cross-examination that included defense lawyers playing a recording of a crude phone conversation between Massey and Gilley in which they joked about getting Pouncy to strip for an aging state senator to win his vote.

The trials were a stinging defeat for prosecutors that ultimately resulted in across-the-board not guilty verdicts for VictoryLand owner Milton McGregor, four current or former state senators and others.

Pouncy's family and friends clasped hands and wiped tears as the judge indicated he would not send her to jail.

"Obvious relief, as was mine," Spina said of Pouncy's reaction to the sentence. She declined to speak as she left the federal courthouse.



Expect the Unexpected

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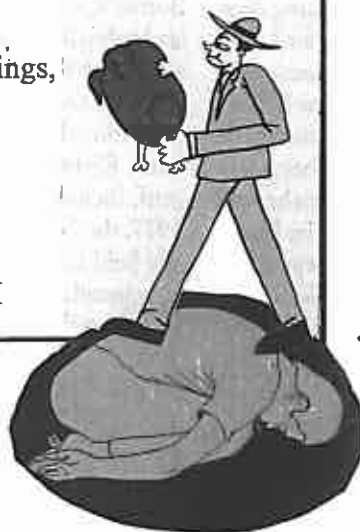
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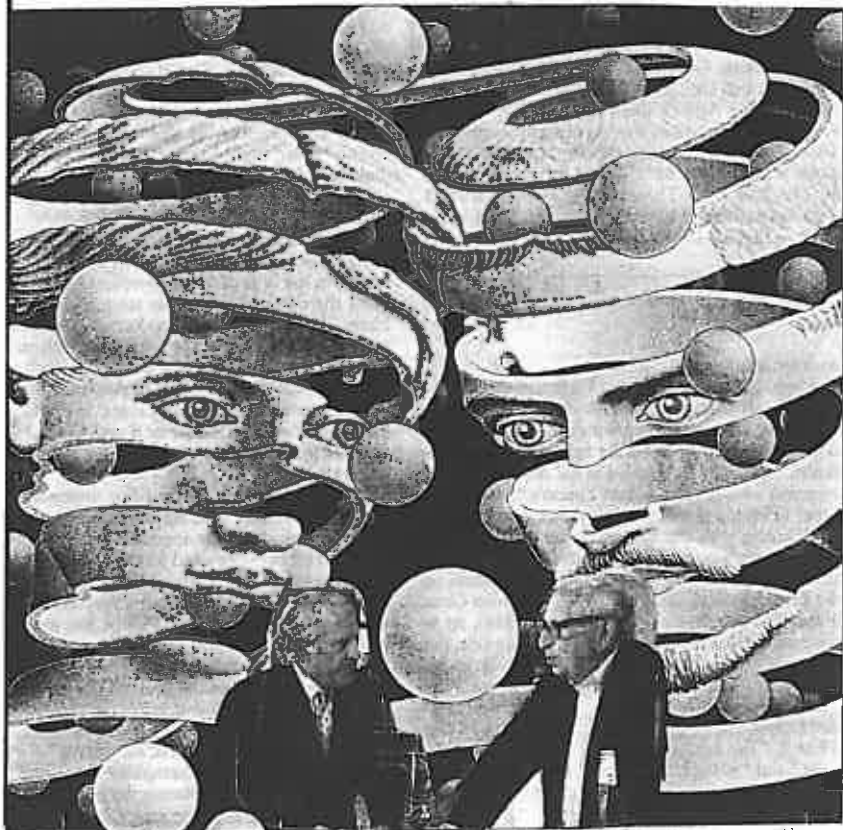
Future Meetings

~~October 4-6, 2012: St. Regis, Dana Point, CA~~
February 15-18, 2013: Scottsdale, AZ
June 14-16, 2013: Vancouver
October 10-13, 2013: Atlanta, GA



The RoundTable

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Maurits C. Escher, *Band of Union* (detail), lithograph, 1956.