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American Board of Criminal Lawyers
THE ROUNDTABLE

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"Spring Fruit"

May 2013



TIDBITS

CLEVELAND CHAPTER STARS AGAIN

ABCL was well-represented when the Government dismissed the case against Ink Stop executives this week. After two and one half years and two separate indictments the defense was able to convince the prosecution they had no case. **Roger Synenberg**, **Jerry Gold**, and **Mark Devan** worked together to get a "dismissed with prejudice" result before the former Brown's linebacker Judge Dick Ambrose.

In September 2010, a Cuyahoga County grand jury indicted four InkStop Inc. executives Wednesday on charges that they defrauded investors out of \$6 million.

Prosecutors said InkStop -- the Warrensville-Heights-based company that closed abruptly last October -- masked the financial health of the company and used new investments to pay off old investors in a scam similar to a Ponzi scheme. Some investors who got their money were close associates.

In the indictment, county prosecutors claim that in 2008 the defendants used vendor promotional credits to make InkStop appear in better shape than it was. A vendor promotional credit is like a rebate to a business offered by a vendor, Assistant County Prosecutor Nick Giegerich said. In the case of InkStop, it falsely claimed to have purchased \$29 million in cartridges from a vendor, he said, and to have received rebates of \$6.3 million based on that income.

InkStop accounted for the fake income and rebates in its earnings, Giegerich said, making the company look as if it were not losing as much money. The company then sold privately placed stock, as well as notes convertible to stock, based on a bogus financial report.

Prosecutors also claimed that the defendants sold privately placed stock and convertible notes in 2009 by telling investors the company was going to turn a profit in the fourth quarter of that year, among other claims, Giegerich said, all the while knowing the company was actually in deep financial trouble.

The defendants said the money raised from the sale of the securities would be used for such things as buying inventory for Black Friday, the big shopping day after Thanksgiving, Giegerich said. But the money was actually used to pay off debt and to payoff some previous investors, including members of the InkStop board of directors, he said.

NEW RELEASE



WASHBURN LAW JOURNAL

Fall 2012

Vol. 52 No 1

The Use of Unethical and Unconstitutional
Practices and Policies by Prosecutors' Offices

Alvin H. Pattison

MOVERS & SHAKERS

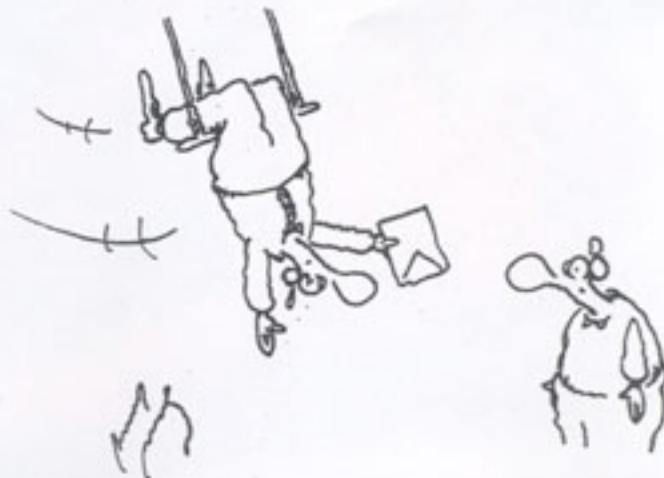
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SHAKERS & MOVERS

CIRQUE DU SUBPOENA





Judicial Profile

by Edward D. Tolley and Devin Hartness Smith

Hon. William T. Moore Jr. U.S. District Judge, Southern District of Georgia

William Theodore Moore Jr., known to his friends and family as "Willie," won athletic fame and peer recognition both as a varsity baseball player and, later, as chief judge of the Southern District of Georgia. Appointed to the court by President William J. Clinton in 1994, Judge Moore served in the capacity of chief judge from 2004 to 2010. He remains an active judge in the district.

Judge Moore was born in Bainbridge, Ga., in 1940. His father, William T. Moore Sr., and mother, Mary, moved "Willie" and his brother Lee to Savannah in 1945, after his pharmacist father took a job with the Eli Lilly Company.

Of course, many lawyers have enjoyed athletic careers prior to entering law school. Judge Moore's athletic journey was quite unique, however, in that he played varsity baseball for the University of Georgia while attending his first year of law school, the first and last person to ever accomplish this feat. Judge Moore explains that he graduated from Savannah High School in 1958, winning honors in both baseball and football. Upon graduation, he attended Georgia Military College on a football scholarship, but also continued his baseball career, leading Georgia Military College to the state junior college baseball championship. Offered both a baseball and football scholarship to the University of Georgia in 1960, Judge Moore elected to compete only in baseball so that he could enter law school his senior year of college and still continue to play his beloved sport. He jokingly reminisces: "Baseball paid for my first year of law school, but it was of little help to my first year law school grades."

Despite his rocky academic beginning, Judge Moore later distinguished himself in law school, serving all three



years on the Honor Court and developing a true appreciation for the law and the privilege of practicing it. Ever the competitor, he continued to play semi-pro baseball each summer, and upon expiration of his college eligibility, he was offered more than one professional contract. He chose the law in 1964, and married his wife of 48 years, Jane Hodges, the same summer.

With law school behind him, Moore returned to

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Savannah to start his legal career. Initially, he "ran" titles for the Pierce Ranitz & Lee law firm. He moved on to Richardson & Deremus as a civil litigator, followed by a partnership with Corish, Smith & Remler, and eventually serving as the attorney for the Chatham County Board of Education. In 1977, Judge Moore was appointed the U.S. attorney for the Southern District of Georgia by President Jimmy Carter, a post he held until 1981. Judge Moore personally prosecuted many cases, including the high-profile corruption trial of Georgia state senator and gubernatorial candidate, Roscoe Dean. Upon his retirement from office, Judge Moore was informed by Washington that he had personally tried more cases than any other U.S. attorney in the nation—a surprise to no one that knew him.

In 1981, Judge Moore returned to private practice and formed the partnership Sparkman Harris & Moore. Practicing both civil and criminal law, his practice flourished and his reputation as a litigator grew. Eventually, the firm merged with the larger firm of Oliver Maner & Gray, where Moore remained until his appointment to the federal bench.

Judge Moore has now served the people of the United States for 18 years, seven of which were served as the district's chief judge. While eligible for senior status, he has chosen instead to remain an active member of the bench. He has been honored as a distinguished graduate of Georgia Military College, inducted into the Greater Savannah Athletic Hall of Fame, and received the University of Georgia Distinguished Letterman's Award in 2001. He served as president of the U.S. Court of Appeals for the Eleventh Circuit District Judges Association from 2002 to 2003, served on the Judicial Council of the Eleventh Circuit, and also served on the Criminal Law Committee for the U.S. Judicial Conference. In 2001, he earned his master of laws in judicial process from the University of Virginia, but fortunately had no remaining athletic eligibility to distract him from his studies.

No biographical sketch of Judge Moore would be complete if one failed to note his strong commitment to his wife Jane; their children Sarah, Mary, and Ted; and his six grandchildren. It is interesting to note that his office is replete with photographs of family and friends, and yet contains little recognition of his amazing athletic career. Ever the professional in court, he is a fun-loving father and grandfather who always has time for his grandchildren. To his brethren and fellow lawyers, he is Judge Moore, but in the hearts of the citizens of Savannah, he is "Wille," who amazingly played varsity baseball at his beloved University of Georgia while in law school. ©



The 24/7 media of bygone days

"An arrest in the Boston Marathon bombing has been made." — CNN, et al., before any arrest

By Steve Young

With technology continuing to ramp up our ability to transmit news at breakneck speed, along with the public's insatiable need to know something ASAP, the media have been painfully susceptible to rapid-fire misfiring in the race for "breaking news" and ratings. Makes one wonder what might have been if today's media had been around a few years earlier.

Jonestown More of a Picnic Than a Punishment, CNN, Nov. 18, 1978 — John King reports that, according to a source close to the situation, "the Peoples Temple group in Guyana, thought to be a treacherous cult, has been proven to be just a well-meaning paradise, as leader Jim Jones has just distributed what I'm told is delicious, specially-prepared, grape-flavored Kool-Aid."

Emancipation Proclamation, The Blaze, Jan. 1, 1863 — Glenn Beck reports, according to a well-placed source just out-

cape rightful ownership." Beck added, "There is no doubt that Lincoln, a known progressive, has a deep-seated hatred for white people and should be impeached. My sources also tell me that the Negroes' release was a preemptive strike to give these potential Democrat voters an undeserved freedom distribution leading to the election of a Negro president sometime in 2008."

Scientists Brag of Gravity, But Picture Proves It to be Junk Science, New York Post, April 15, 1726 — Front page: "Brag Men," with an apple pictured, seemingly suspended between a tree branch and Sir Isaac Newton — seated beneath the tree — unable to reach ground." Page 3: Crank scientist Sir Isaac Newton, with his studies paid for by the lame-stream gravity complex, told this reporter that, "By deriving Kepler's laws of planetary motion from my mathematical description of gravity, I have removed the last doubts about the validity of the heliocentric model of the cosmos." Yeah, right. Editor's Note: Pictures don't lie.

Mary Todd Suspect in Husband's Assassination, Associated Press, April 15, 1865 — Moments ago, President Lincoln

tion. Ticket registers and hastily drawn illustrations show the president's wife, Mary Todd Lincoln, to be the person closest to Lincoln just prior to the attack. According to an unidentified, but reliable, source, the first lady is being held for questioning.

Washington Cancels Crossing, Fox News, Dec. 25, 1776 — According to sources close to the situation, gale-force winds, torrential downpours, and treacherous seas will keep colonial Gen. George Washington from crossing the Delaware River in an attempt to surprise the Hessians camped out in Trenton.

Who Fingered Jesus?, MSNBC, Feb. 30, 0031 — According to a highly placed source in the Roman Empire, Lawrence O'Donnell reports, "Soldiers have pulled in 12 suspects for questioning in the alleged betrayal of Mr. Jesus of Nazareth. Suspects include a dark-skinned Jerusalem national, who, I'm told, is being sent to Palestine by Pontius Pilate in hopes of improving relationships with the ever-peaceful neighbor."

Steve Young is the author of "Great Failures of the Extremely Successful — Mistakes, Adversity, Failure and other Steppingstones

From: ["Monroe H. Freedman"](mailto:Monroe.H.Freedman@hofstra.edu) <Monroe.H.Freedman@hofstra.edu>
To: <slacheen@slacheen.cnc.net>
Sent: Monday, April 22, 2013 10:41 AM
Subject: FW: DC Judicial Conference 2013
Steve,

For your amusement.

Monroe

This year marks the fiftieth anniversary of the failure of *Gideon v. Wainwright*.

From: John Perazich [jperazich@gmail.com]
Sent: Monday, April 22, 2013 9:52 AM
To: Monroe H. Freedman
Subject: DC Judicial Conference 2013

Monroe - Last Friday, Steve Bright was the luncheon speaker at the above and told a story about the first DC Jud Conf he attended some 30 +/- years ago. He recalled that you were a speaker (attorney ethics/responsibility etc - how do you represent a "guilty" client?) and that as you began to speak, "7 judges got up and walked out of the room". The statement induced a chuckle from those attending.

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Future Meetings

June 14-16, 2013: Vancouver, BC

October 10-13, 2013: Atlanta, GA

