



## TIDBITS

### A GREAT WIN

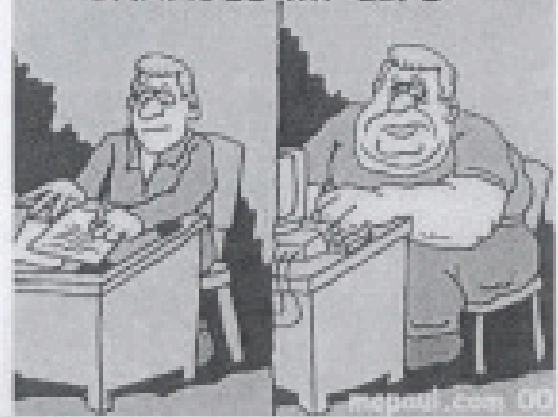
Last month, **Rick Kammen** tried a former Indiana State Trooper who was charged with killing his wife and two children 13 years ago. He had been tried twice before and convicted both times but both trials were reversed on appeal Rick and another lawyer tried the third trial, and he was acquitted of all charges. Another great job by one of our own. **Jim Voyles**.

## LIFE BEFORE THE COMPUTER

- \* Memory was something that you lost with age
- \* An application was for employment
- \* A program was a TV show
- \* A cursor used profanity
  - \* A keyboard was a piano
  - \* A web was a spider's home
  - \* A virus was the flu
  - \* A CD was a bank account
- \* A hard drive was a long trip on the road
- \* A mouse pad was where a mouse lived
- \* And if you had a 3 1/2 inch floppy  
...you just hoped nobody found out



## HOW THE INTERNET CHANGED MY LIFE



### 13-500 **R.L. v. Pennsylvania**

#### Grand Jurors

#### Bating below (Pa. 523113)

In a case in which the petitioner refuses to testify before a grand jury until the legal issues surrounding a secrecy order are resolved and she has been held in contempt, her petition for review of the secrecy order and the contempt order is denied.

**Questions Presented:** Does a grand jury secrecy order that prevents a witness and her counsel from discussing "the case" with anyone else violate the First and 14th amendments?

Petition for certiorari filed 8/20/13, by Paul Shechtman, Christina Skinner and Zuckerman Spaeder LLP, all of New York, N.Y., and Stephen LaChapin and LaChapin, Wittels & Greenberg, both of Philadelphia, Pa.

## 2014 NACDL White Collar Criminal Defense College at Stetson - March 19 - 22, 2014

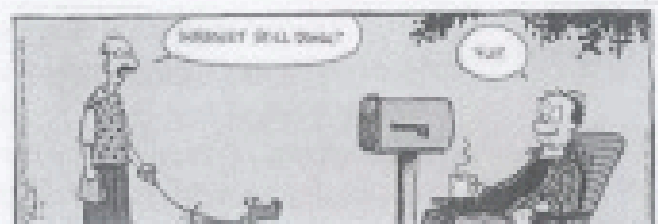
The NACDL White Collar Criminal Defense College at Stetson is a "boot-camp" program for practitioners wishing to gain key advocacy skills and learn substantive white collar law. The program will cover client retention, investigation in a white collar case, handling searches and grand jury subpoenas, and dealing with parallel proceedings. Participants will have the experience of negotiating a plea, making proffers, and examining which experts to hire and how to protect the client in this process. Interactive sessions with top white collar practitioners will allow the participants to learn trial skills such as opening statements, cross-examination, jury instructions, closing arguments, and sentencing – all in the context of a white collar matter.

#### Seminar Location:

Stetson University College of Law  
1401 61st St. S.  
Gulfport, FL 33707

#### Hotel Accommodations:

Loews Don CeSar Hotel  
3400 Gulf Boulevard  
St. Pete Beach, FL 33706



For more information, contact Ellen S. Podgor at [epodgor@law.stetson.edu](mailto:epodgor@law.stetson.edu)

## Brothers and Sisters:

As a follow-up to our Round Table discussion of Michael Morton's exoneration last year in Colorado Springs, I wanted to let you know that yesterday Judge Ken Anderson (Michael's prosecutor) was found guilty of criminal contempt, sentenced to jail and disbarred for hiding critical evidence at Michael's trial. I've attached the predictable, self-serving photo and article.

One often wonders what would be a truly just result. My retributive sense is that Anderson should serve out the remainder of Michael's life sentence. But, the strong and powerful message here was not only that Anderson was pronounced guilty, will go to jail and will be disbarred (a first), but more importantly, the DA in Williamson County has agreed to an outside, transparent audit of all cases Ken Anderson prosecuted and that his successor, John Bradley refused to conduct DNA testing (you may recall that he fought against DNA analysis in Michael's case for 7 years), to be conducted by the Texas Criminal Defense Lawyers Association and the Innocence Project. Anderson's plea deal only protects him against matters arising out of Michael's case. Anyway, it was very satisfying day. Best to all. Jerry Goldstein

## Ken Anderson trial, 11.08.13

Ken Anderson trial



Rodolfo Gonzalez

Michael Morton, center, flanked by his attorneys Jerry Goldstein, far left, and Barry Scheck, far right, smiles during a press conference after former Williamson County prosecutor and state district judge, Ken Anderson reached a plea agreement to settle criminal and civil lawsuits for Anderson's misconduct in the late-1980s prosecution of Michael Morton during court held in Georgetown, Tx., on Friday, November 8, 2013. Anderson was sentenced to 10 days in jail and give up his law license for hiding favorable evidence to secure Morton's 1987 conviction for a murder he did not commit. Michael Morton, who was wrong fully imprisoned for nearly 25 years for his wife's 1986 slaying was released after DNA evidence exonerated him in 2011. (RODOLFO GONZALEZ / AMERICAN-STATESMAN )

*From the 11/8/2013 journal*

*Esate Sale: Glenwood Hills North, 60yr marriage, 9 children, recording trust po.*

# Judge declares mistrial in sexual assault case against celebrated Beck Center actor Kevin Joseph Kelly

Kevin Joseph Kelly, at his arraignment in January, 2012 *(Lisa DeJong)*

Andrea Simakis, *The Plain Dealer* November 22, 2013

CLEVELAND, Ohio -- The curtain came down on the explosive real life drama unfolding in Judge Deena Calabrese's courtroom Friday when she declared a mistrial in the sex abuse prosecution of celebrated local actor Kevin Joseph Kelly.

Since his indictment in January, 2012, Kelly, 56, has vociferously denied accusations that he assaulted two teens in separate incidents in his Lakewood apartment 17 years ago. At issue is a piece of new evidence, a handwritten statement given to Lakewood police by one of the alleged victims, now 32 and a respected area performer and voice teacher.

The morning's proceedings were marked by emotional testimony from the man, who often broke down sobbing as he described being drunk on Wild Turkey at Kelly's apartment following a cast party in 1996, then winding up in Kelly's bed, where he claims Kelly performed oral sex on him.

As a teenager, he said he looked up to Kelly, called "the life of the party" and incredibly charismatic by a host of prosecution witnesses who took the stand this week.

The man, who walked into the Lakewood police department in 2011 to file a report, told defense attorney **Ian Friedman** during cross examination that he had given police a handwritten statement at the time detailing the alleged assault.

"When you did your report . . . what I'm asking you is, did you write one in your own handwriting? Friedman asked.

"I did," the man replied.

"Are you positive of that?" Friedman pressed.

"Positive," the witness said.

The man further stated that Assistant Cuyahoga County Prosecutor Mary Weston had shown him the document to review prior to trial. But Kelly's defense team didn't have that same opportunity because they never received that document from prosecutors, as is required by rules of discovery. "We should have had that two years ago," Friedman said following Calabrese's ruling.

"The state produced a key piece of evidence in the middle of trial warranting a mistrial. Although unfortunate, we will get prepared to defend him again." Prosecutors were asked for, but did not offer any, comment.

After excusing the jury, Judge Calabrese told Kelly and the gathered lawyers that she hoped to reschedule the case early in the new year. A pretrial hearing has been set for Dec. 17.

"There is certainly a lot of disappointment that this matter could not be brought to conclusion after nearly two years of litigation," Friedman said. "Nothing has changed for us, Kevin still maintains his innocence and we will proceed as we have to."

Kelly, known for starring roles in "Hairspray" and "La Cage aux Folles" at Lakewood's Beck Center for the Arts, faces charges including rape, sexual battery, kidnapping and unlawful sexual conduct with a minor.

# A Bad Day To Die

You probably know the scene in Stanley Kubrick's "Dr. Strangelove": Slim Pickens, playing the pilot of the B-52 that has been ordered to attack Russia by his boozers commander, General Ripper, is reviewing the contents of the crew's survival kit. It contains among other essential items \$100 in gold, nylon stockings and "one issue of prophylactics." At the end of the list he remarks, "Shoot, a fella could have a pretty good weekend in Vegas with all that stuff."

If you look closely at Pickens's lips, they seem to be framing something other than the word "Vegas." Indeed they are: "Dallas." The first critic's scorching of the new film had been scheduled for Nov. 22, 1963. Unfortunate timing, as it turned out. Kubrick re-dubbed the line, substituting the name of another city where gold, nylon stockings and prophylactics always come in handy. It is odd that the original city remains intact in the French-subtitled version. *Figurez-vous.*

With the anniversary of the infamous day approaching, we will be reminded of at least two other eerie coincidences. To put it in terms of a trivia test: who else died that day? Aldous Huxley, au-

November was intense in 1963. Actually, it was a weird year all around.

thor of "Brave New World" (strange to consider that title, in the present context); and C. S. Lewis, perhaps most widely known today in the United States as the author of the "Narnia" tales.

*Christopher Buckley is the author of a forthcoming book of essays, "But Enough About You."*

To the extent one cares about one's death making a news splash, it's best as a rule not to expire on the same day, or nearly the same day, as a Kennedy. Such was the case with the author Dominick Dunne, who died in 2009 the day after Senator Edward M. Kennedy. Dunne's family initially refused to confirm his death, concerned that the tsunami of coverage on Kennedy's would swamp Dunne's obituary.

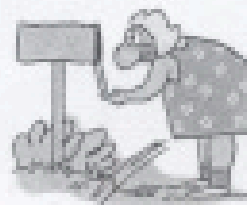
A somewhat different type of piquancy came into play in 1836 when King George V's doctor injected him with a fatal dose of morphine and cocaine in order that his death could be announced (according to his notes) "in the morning papers rather than the less appropriate evening journals."

It's a tempting cliché to look back at almost any given year in history and whistle, "That was the year that was." Still, consider what transpired in 2003: Sylvia Plath committed suicide. April saw the worst submarine disaster in history, when the U.S.S. Thresher sank off Cape Cod with all 129 hands. In June, Medgar Evers of the N.A.A.C.P. was murdered in Jackson, Miss., after President Kennedy gave a televised speech on civil rights. The much-beloved Pope John XXIII died. The president of South Vietnam, Ngo Dinh Diem, was ousted in a coup by his generals and murdered. President Kennedy had given his tacit approval to Diem's removal. What exact impact Diem's death had on the war and the deaths of more than 58,000 United States troops will be an endless subject of debate. Three weeks later, Kennedy went to Dallas, where, according to the original script of "Dr. Strangelove," a good time could be had, provided you had the right kit.

And finally, in December, Roche rolled out a new drug, several times more potent than its predecessor, a muscle relaxant and anticonvulsant.

It was called Valium, and perhaps it arrived just in time.

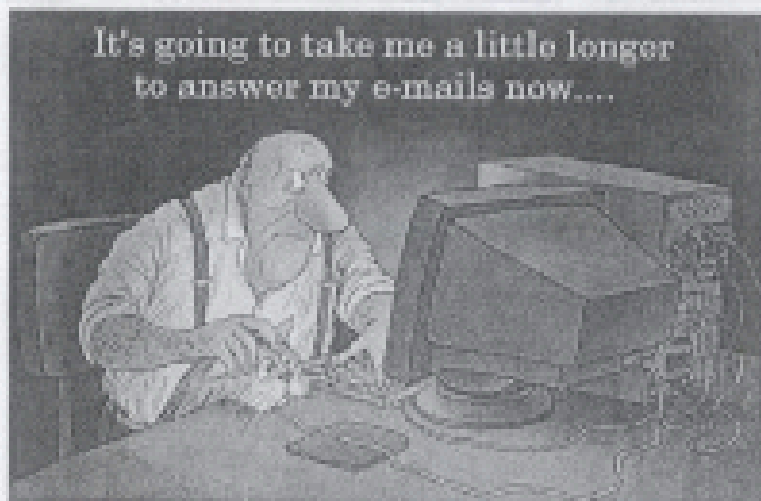
Stupid computer keeps saying "you got mail"



"There are better ways to log off."

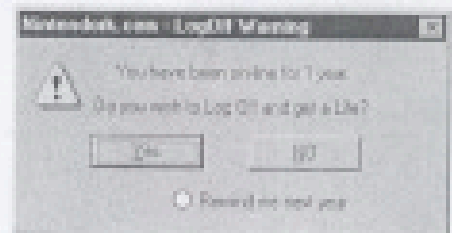
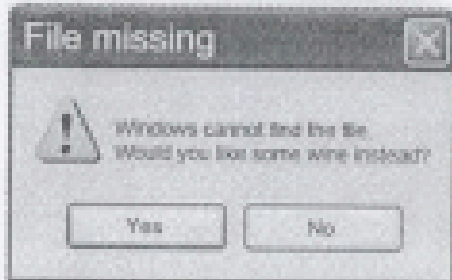


"THIS COMPUTER IS EQUIPPED WITH AN AIRBAG. IN CASE YOU WILL COLLIDE."



It's going to take me a little longer to answer my e-mails now....

Finally a computer setting I understand.



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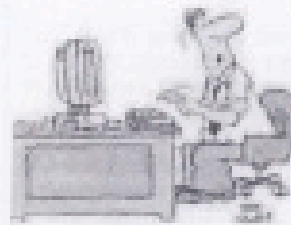
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## The RoundTable

Steve LaCheen, Editor

Rita Bognanni, Staff



## Future Meetings

February 7-8, 2014: Key West, FL

June 12-15, 2014: Aspen, CO

October 10-12, 2014: San Francisco, CA

### The RoundTable

Steve LaCheen

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