



American Board of Criminal Lawyers
THE R  UNDTABLE

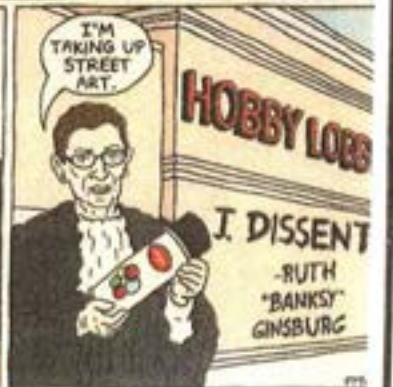


Vol. MMIV, No. 9

AUGUST 2014



THE STRIP BRIAN MCFADDEN



Tidbits

Martin Pinales had the pleasure of watching Brother Bill Johnson sworn in as president of the Kentucky Bar Association on June 20, 2014. Congratulations and best wishes!

John Rion reports that on July 10, 2014 in Ft. Morgan, Colorado, our president Pat Mika not only got his client probation in a vehicular homicide case, but moved the Judge so profoundly that the judge himself cried as he announced the sentence. The judge said he felt such genuine empathy for Pat's client that he couldn't help but being touched.⁸

One of our members, Joe Hayden, who founded the New Jersey Association of Criminal Defense Lawyers, was recently named winner of the Justice Wilburn J. Brennan, Jr. Award by the Federal Bar Association of New Jersey. It is the Federal Bar's highest award and Joe, a former high school football teammate of mine in New Jersey, truly deserved this award. Joe and his wife, Katherine, an United States District Court Judge in New Jersey, will be at the San Francisco meeting. Jerry Froelich

Our brother Peter Wold of Minneapolis has had quite a busy year already. His first trial, a white collar offense in federal court, lasted 8 weeks and unfortunately did not end well, but the last 3 ended very well. He then tried a federal assault on an Indian child in federal court in Northern Minn. The Jury convicted, but the Judge was so impressed with the defense, he just dismissed the conviction, freeing Peter's client. The next trial was an attempted first degree murder case where the defendant fired 78 rounds from an AK-47 at police officers whom he thought were coming to kill him. No one died. The jury acquitted on an insanity defense. The fourth case involved the murder of a child allegedly by the mother in North Dakota. After Peter gave his investigative information to the prosecutors, they decided to drop all of the charges shortly before the trial was to start. Three out of four victories, not bad. **MICHAEL MONICO**



Welcome New Members

Frank Addario, Esquire
171 John Street, Suite 101,
Toronto, ON M5T 1X3 (416-649-5055)

David Gerger, Esquire
1001 Fannin Street, Suite 1950
Houston, TX 77002 (713-224-4400)

Harold Gurewitz, Esquire
333 W. Fort Street, Suite 1400
Detroit, MI 48226 (313-628-4733)

Richard Kerger, Esquire
33 S. Michigan Street
Toledo, OH 43604 (419-255-5990)

Fortunato N. Perri, Jr., Esquire
30 South 15th Street, Suite 701
Philadelphia, PA 19102 (215-981-0999)

John Shea, Esquire
120 N. Fourth Avenue,
Ann Arbor, MI 48104 (734-995-4646)



doughtystreetchambers

Doughty Street Chambers are delighted to invite you to the launch of **Bribery: A Compliance Handbook**

by Raj Chada, Christopher Sallan DC and Sam Tate



Amendment IV.

The People of the United States of America have the right to be secure in their persons, houses, (automobiles), papers, (cell phones) and effects from unreasonable searches and seizures.

NEVER CONSENT

Freedom's just another word for nothing left to lose

**T. Jefferson Deen
The Lawyer**

N Best Criminal Lawyer

251.433.5860 • 207 Church Street • Jeff@deenlawpc.com

No representation is made that the quality of local services to be performed is greater than the quality of services performed by other lawyers.

Casey Anthony lives like a hermit, lawyer says

Rob Quinn, Newser [July 4, 2014](#)

It has been almost exactly three years since Casey Anthony was found not guilty of murdering her 2-year-old daughter Caylee, but she is still essentially a prisoner, one of her lawyers says. Anthony, now 28, lives in an unnamed location in Florida and remains afraid to go out in public because of death threats, **Chenev Mason** tells CNN.

She does clerical work at home for various clients, but "she hasn't been freed from her incarceration yet 'cause she can't go out," the lawyer says. "She can't go to a beauty parlor, she can't go shopping to a department store, she can't go to a restaurant, she can't even go to McDonald's. She can't do anything."

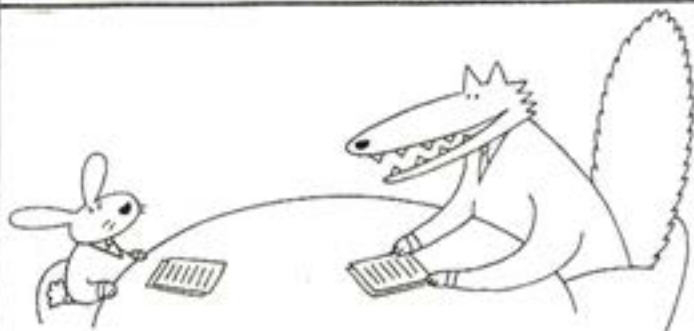
The Orlando Sentinel notes that Mason says Anthony doesn't live alone, and isn't romantically involved with anyone.

Anthony — who accused her father of sexually abusing her — "does not have any blood family anymore" and the family she has now consists of members of her defense team.

Mason says he thinks she "wants to speak out"; Anthony declined CNN's request for an interview, however.

"I know she has very strong feelings for what has happened to her. I also know she's very saddened by her loss and she will never forget her daughter Caylee, ever," Mason says.

His book, *Justice in America: How Prosecutors and the Media Conspire Against the Accused*, will be released this summer. Mason—the third attorney associated with the case to write a book — says it will include information never revealed before, and will go beyond the Anthony case to explore broader legal issues.



"I've never understood—what is the difference between morals and ethics?"

Hueytown man serving life sentence for 1992 beating deaths of 2 boys ordered released from prison

By: Kent Faulk/kfault@al.com

BESSEMER, Alabama — Nathan Gast, sentenced to life in prison for the 1992 beating deaths of two Oneonta boys, was released from prison Thursday afternoon. Bessemer Cutoff Jefferson County Circuit Court Judge David Carpenter on Wednesday vacated the life sentence of Gast, 37, of Hueytown. The judge re-sentenced Gast to the time — about 20 years — he had already served and ordered him released from the Alabama Department of Corrections' Fountain Correctional Center in Atmore.

Carpenter on Thursday amended his order to re-sentence Gast to 20 years in prison, split time served, and ordered Gast's release. The prison system released Gast about 12:30 p.m. Thursday from the county jail in Bessemer where he had been brought for the hearing, his attorney said. Prosecutors did not oppose the request by Gast's attorney for his release, according to court documents.

Gast was 15 and allegedly a member in the Gangster Disciples street gang when he was arrested for the Feb. 8, 1992 deaths of Mollan Allen Eakes, 15, and Kevin Eugene Duncan, 14. Gast pleaded guilty to one count of murder and one count of attempted murder related to an attack on a girl. Two other teens also were convicted in connection with the murders.

Gast's attorney, **Tommy Spina**, in May had asked the court to vacate the life sentence against Gast.

"We are very grateful for the relief afforded Mr. Gast," Spina said after Wednesday's hearing. "He has spent the last 20 years in prison. It was always contemplated, in negotiating his plea in 1994, that he would serve at least 15 years before he would be released. Today, the intent of the original plea agreement was met by the Order that was entered."

Spina argued in his motion that the U.S. Supreme Court in 2012 had ruled in another Alabama case that automatic life without the possibility of parole sentences for juveniles are unconstitutional. While Gast did have the possibility of parole, he had been turned down a number of times for parole, turning his life sentence into a "defacto" life without parole sentence.

Christopher Thrasher and Carvin Stargell, who also were teens at the time of the slayings, were sentenced to life without the possibility of parole. In the past year both Thrasher and Stargell have tried, but have failed, to be resentenced under the Miller v. Alabama ruling.

Eakes, 15, and Duncan, 14, were found dead in Shades Creek under an Alabama 150 bridge in Bessemer, on Feb. 9, 1992. Each had been repeatedly beaten in the head with a baseball bat and left to drown.

Prosecutors alleged that after the boys were killed, Thrasher, Stargell and Gast tried to kill a then 14-year-old girl — by beating her with the same bat — because she knew too much. "Nathan was instrumental in saving (the girl's) life as he and I rode with the police till 2 am to point out where she had been left," Spina stated in an email. "When she was found she was still alive."

Prisoner Gets \$200,000.00

New York, New York. When Ron Davis, 53, of Harlem, New York was arrested by the NYPD on October 13, 2009 he was a kidney transplant patient taking fifteen pills a day. He was kept in jail for three and one half days without his medication and went into renal failure. He was taken to Bellevue Hospital where he acquired a staph infection. His kidney condition was stabilized after two weeks at Bellevue. He was then taken to Mount Sinai where the staph infection was resolved and his criminal charges were also disposed of.

Mr. Davis then retained the services of Joseph DeFelice, Esq., the immediate Past President of the Queens County Bar Association as his counsel, to pursue a claim against the City. Mr. DeFelice commenced an action against the City of New York and Prison Health Services, Inc. in federal court in the Southern District of New York where the case was first assigned to Senior District Judge Robert Sweet and then to District Judge Ronnie Abrams. The Magistrate Judge was Sarah Netburn.

Mr. DeFelice referred the matter to **Thomas E. Liotti** of Garden City, New York who amended the complaint to assert a Monell claim (*Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 98 S. Ct. 2018 (1978), alleging a pattern of "deliberate indifference" by the City regarding the arrest and care of prisoners with serious medical conditions.

The case turned on the permanency of damage to Mr. Davis and the delay in treatment while incarcerated. Following mediation in May, 2013 before Judge Netburn, the case was settled for \$200,000.00 and the City waived its entitlement to a Medicaid Lien in the amount of \$39,000.00. Mr. Liotti stated: "The settlement is a testament to the hard work of both sides, the tenacity of Mr. DeFelice and the brilliant skill of Judge Netburn as a mediator. It was a fair and just result. I really must thank my adversaries who were very professional and reasonable throughout. It has been my honor to be involved in this case with such distinguished company. I am sure that everyone wishes Mr. Davis good health and happiness going forward. I know that he is pleased and satisfied by the outcome. We are hopeful that this litigation will be curative and improve conditions for new arrestees with dire medical conditions."

"Political correctness is a doctrine, fostered by a delusional, illogical minority, and promoted by mainstream media, which holds forth the premise that it is entirely possible to pick up a piece of shit by the clean end."
- **Steve Satter**

(June 30, 2014) CLEVELAND — North Canton businessman **Ben Suarez** was found not guilty of violating campaign finance laws.

Suarez, 72, faced eight counts, including violating campaign finance laws and obstructing justice. Suarez was found guilty on one count, witness tampering, which carries a maximum sentence of 20 years. Sentencing is set for Oct. 7. Suarez's company and co-defendant in the case, Suarez Corporation Industries, was found not guilty on all counts. "The 500 people who work for SCI know they can go to work tomorrow and the lights will be on and they can keep earning a living for their families," said defense attorney **Ian Friedman**.

Federal prosecutors accused Suarez of orchestrating about \$200,000 in illegal donations to U.S. Rep. Jim Renacci and Ohio Treasurer Josh Mandel, during his failed Senate run. Suarez used employees at his company as straw donors to make the contributions in exchange for political favors, U.S. attorneys said.

"The evidence in this case shows the defendant had a problem. A big problem," said assistant U.S. attorney Rebecca Lutzko. In 2011, a group of district attorneys in California were threatening SCI with a lawsuit. Suarez "came up with a way to circumvent" campaign finance laws to give money to Renacci and Mandel so the two politicians would help.

Scott Guthrie, political consultant and the finance director for Mandel's Senate campaign, wrote a letter on behalf of SCI that Mandel's office put on the treasurer's letterhead and sent it to Renacci. Guthrie also said Mandel met with Suarez at the businessman's home on March 15, 2011.

"Candidates are more likely to pick up the phone. More likely to write a letter for their major campaign donors," Lutzko said. "Do you think the defendant didn't know that?" Lutzko said they were not accusing Mandel and Renacci of quid pro quo. Defense attorneys tried to use that fact in their client's favor.

"You even heard evidence that this was public corruption," said defense attorney Mark Schamel. "If that were true, there would be two more tables: one for Mandel and one for Renacci."

Former SCI chief financial officer Michael Giorgio, 62, pleaded guilty in the case in May and was terminated from the company days later. Giorgio testified that he made a mistake by blindly following his boss' orders to ask employees to contribute.

"They got an innocent man to plead guilty," Schamel said after the trial.

SCI's in-house counsel, David Calevski, released the following statement after the verdict:

"Suarez Corporation Industries is thrilled with today's verdict and grateful to the jury for their decision. SCI is a pillar in the local community and employs hundreds of hard working people. We are glad to put this matter behind us and look forward to continuing to offer quality products and to support our community"

Congrats to **Drew Findling** as he is NACDL's new secretary. Way to go Drew! **Ian Friedman**

The One-Word Answer to Why Bill Gates and Warren Buffett Have Been So Successful

by: Greg McKeown (*New York Times* Bestselling Author) July 07, 2014

When Bill Gates first met Warren Buffett, their host at dinner, Gates' mother, asked everyone around the table to identify what they believed was the single most important factor in their success through life. Gates and Buffett gave the same one-word answer: "Focus." (See more in *The Snowball* by Alice Schroeder).

I love the clarity of their answer but I am also concerned by how this can be, to quote Rudyard Kipling, "twisted by knaves to make a trap for fools." I am an advocate for focus in work, life and leadership. However, the subject has a nuance and depth that many people miss. For a start, most people think of there only being one kind of focus.

Focus as a Noun. When people speak of focus they usually mean having a single goal. It is a static thing, a thing you have. The upside to this kind of focus is clear and compelling: you pursue a single objective and don't get distracted along the way; you build momentum as many different people aligned behind achieving this one goal.

However, there is a dark side to focus as a noun. It's what we might think of as the Kodak Problem. Kodak was relentlessly focused on a single objective—and it almost killed them. They found themselves caught off guard by the disruptive innovation of digital cameras. Kodak was so focused on optimizing for traditional film capture and processing that they did not see or accept the transformation in their industry. This is where the second type of focus comes in.

Focus as a Verb. Focus is not just something you have it is also something you do. This type of focus is not static; it is an intense, dynamic, ongoing, iterative process. It's the constant exploration needed to see what is really going on and what the "noun focus" should be.

Imagine if the moment you woke up this morning your eyes focused one time and then never adjusted again. You would be out of focus all day. Our eyes produce clarity through a perpetual process of adjustment. Similarly, in our lives and on our teams, it is not enough to say, "We have our focus!" Rather, and adapting Dwight D. Eisenhower statement, "Focus is nothing, focusing is everything." That may take the point too far, but it still makes the point that having a focus is insufficient.

The downside to thinking of focus as a verb only, is that it can lead to being overly reactive. It can lead people to making and remaking decisions too fast for any real momentum to take place. It can result in counterfeit agility where things feel fast but people aren't going forward. It can become motion sickness instead of momentum.

The answer is to develop and value both types of focus. Professor Henry Mintzberg taught that there are two sources of strategy: deliberate strategy, where leaders develop a clear vision and map this to long, medium and short term goals (focus as a noun) and emergent strategy, where people respond to unanticipated problems and opportunities (focus as a verb). It is the disciplined pursuit of both of these approaches that best enables us to focus on what is essential. We can plot this on a two by two to see what is at stake.

In order to have focus we need to escape to focus. Whether you can invest two hours a day, two weeks a year, or even just five minutes every morning, it is important to make space to escape in your busy life."

Know how valuable your time is. As Bill Gates has written, "No matter how much money you have, you can't buy more time. There are only 24 hours in everyone's day. Warren has a keen sense of this. He doesn't let his calendar get filled up with useless meetings. On the other hand, he's very generous with his time for the people he trusts. He gives his close advisers at Berkshire his phone number, and they can just call him up and he'll answer the phone."

Focusing on what is essential is a powerful ability, perhaps the most powerful in a world where we are so bombarded with distracting ideas, information and opinions. However, if we want to consistently give our energies to what is essential we need to develop both kinds of focus. Only in this way can we answer with confidence the question, "What's important now?"

Officers 2014

President

Patrick Mika, Colorado Springs, CO

President-Elect

James R. Homola, Fresno, CA

Vice-Presidents

Blair Berk, Los Angeles, CA

Jerome J. Froelich, Atlanta, GA

John J. Ossick, Jr., Kingsland, GA

Roger M. Synenberg, Cleveland, OH

Peter B. Wold, Minneapolis, MN

Secretary

Mack K. Martin, Oklahoma City, OK

Treasurer

John Rion, Dayton, OH

Immediate Past-President

Bruce Maloy, Atlanta, GA

Board of Governors 2014

Leonard M. Chesler, Denver, CO

Drew Findling, Atlanta, GA

Ian N. Friedman, Cleveland, OH

Gerald Handley, Kansas City, MO

Charles L. Hawkins, Minneapolis, MN

James K. Jenkins, Atlanta, GA

Hugh Keefe, New Haven, CT

Michael Pancer, San Diego, CA

Randy Schaffer, Houston, TX

William W. Swor, Detroit, MI

Chuck Watson, Boseman, MT

The RoundTable

Steve LaCheen, Editor

Rita Bognanni, Staff



Future Meetings

October 10-12, 2014: San Francisco, CA

February 20-22, 2015: New Orleans, LA

June 5-7, 2015: LaJolla, CA

October 9-11, 2015: Sante Fe, NM

The RoundTable
Steve LaCheen
1429 Walnut Street, Suite 1301
Philadelphia, PA 19102

Inside Alcatraz's New
Industries Building,
where part of the
exhibit will take place

"WHEN
YOU
CONSTRAIN
FREEDOM,
FREEDOM
WILL TAKE
FLIGHT
AND LAND
ON A WINDOWSILL."

ATWENT