



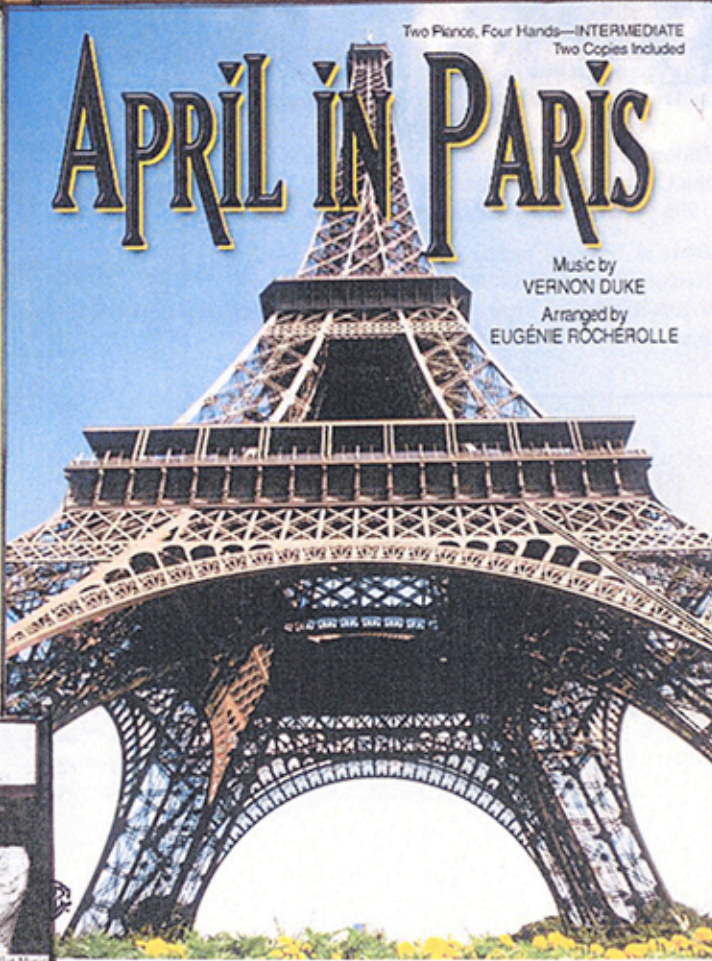
# American Board of Criminal Lawyers

## THE ROUNDTABLE



Vol. MMXV, No. 4

1 April 2015





## WELCOME NEW MEMBERS:

### Brett Bloomston

2151 Highland Avenue, South  
Suite 31, Birmingham, AL 35205  
(205) 212-9700

### James Riddet

903 Calle Amanecer, Suite 350  
San Clemente, CA 92673  
(949) 369-3700

**BRETT M. BLOOMSTON** is a partner in the Birmingham law firm of The Bloomston Firm. He concentrates his practice in the areas of criminal defense, white collar crime, DUI, Civil Rights, and general litigation.

Brett has served as an adjunct professor at the Miles College, School of Law where he taught Evidence and Criminal Law. He has lectured on evidence, criminal trial practice, DUI defense and serving as appointed counsel at various continuing education seminars throughout the State. Mr. Bloomston has been featured as a commentator on Court TV's, "In Session" and has appeared on "The Today Show," "20/20" and "Dateline."

Brett served as the President of the Greater Birmingham Criminal Defense Lawyers Association, is a Life Member of the National Association of Criminal Defense Lawyers, is a member of the Alabama Criminal Defense Lawyers Association, the Birmingham Bar Association's Criminal Procedure Committee, and the Birmingham Inn of Courts.

Brett is recognized as one of Alabama's [Super Lawyers](#) and is rated by Martindale-Hubbell as AV, and Birmingham Magazine's Top Attorneys in Criminal Law and White Collar Crime. Mr. Bloomston is a 1993 Honors B.A. graduate from the University of Alabama and earned his J.D. in 1996 from the University's School of Law.

Brett is recently married to the lovely Marian Nelson Bloomston and the couple have five boys together, ranging in age from 23 to 9 years old. Brett loves to ski and travel in his rare, spare time.

Our Fellow **Bill Swor** got a two word verdict today in an airport drug smuggling case involving a suitcase with 6 kilos and a hand written luggage tag misspelling his client's name that was allegedly hand-checked by client at check-in. The problem for the Government was they had no proof. Lots more entertaining details but Bill can tell them better than I can. Tonight\* is the dinner honoring Jimmie Feinberg. He's being introduced by Jim Thomas. Harold Gurewitz, Bill and I will be there to salute Jimmie. All in all, a nice night in the 313.

Margaret Raben

\*March 13, 2015



## ADDARIO LAW GROUP

T: 416.649.5055 faddario@addario.ca  
F: 1.866.714.1196 www.addario.ca  
171 John Street, Suite 101, Toronto ON M5T 1X3

February 23, 2015

Stephen Lacheen  
Lacheen Wittels  
1301-1429 Walnut Street  
Philadelphia, PA  
19102

Dear Stephen:

Re: ABCL

Thank you for inviting me to submit a brief introductory note for those members who did not vote on my nomination or who can't believe a country as pristine as Canada needs defence counsel to mop up social problems.

I joined the ABCL in October 2014. I have been unable to attend a meeting because of trial obligations but I hope to see you in Santa Fe. In the interim I have been on your list serv and I'm pleased to see that my new colleagues are concerned equally with capital case acquittals and eating arrangements at quarterly meetings.

One thing about Canada that may interest members is that our constitutional bill of rights is only 32 years old. For the first 25 or so years defence counsel enjoyed some civil liberties sunshine from our Supreme Court. In the last few years the Court has increasingly been sympathetic to government claims. Recently they concluded that John Roberts was too liberal in the *Riley-Wurie* smartphone search cases, siding with law enforcement arguments. We are still ahead of you on gay marriage and capital punishment.

Yours truly,

Frank Addario

## BUCKS COUNTY

### Veterans cards issued number 11,000 and counting

**DOYLESTOWN** The Bucks County Recorder of Deeds Office on Tuesday marked the issuing of more than 11,000 veteran identification cards by awarding one to Bucks County Court Judge **Albert J. Cepparulo**.

The judge, who grew up in the Port Richmond section of Philadelphia, was drafted into the Vietnam War in the late 1960s. He served as a Vietnamese

interpreter for generals and other high-ranking officials after learning the language at a base in California, county spokesman Chris Edwards said.

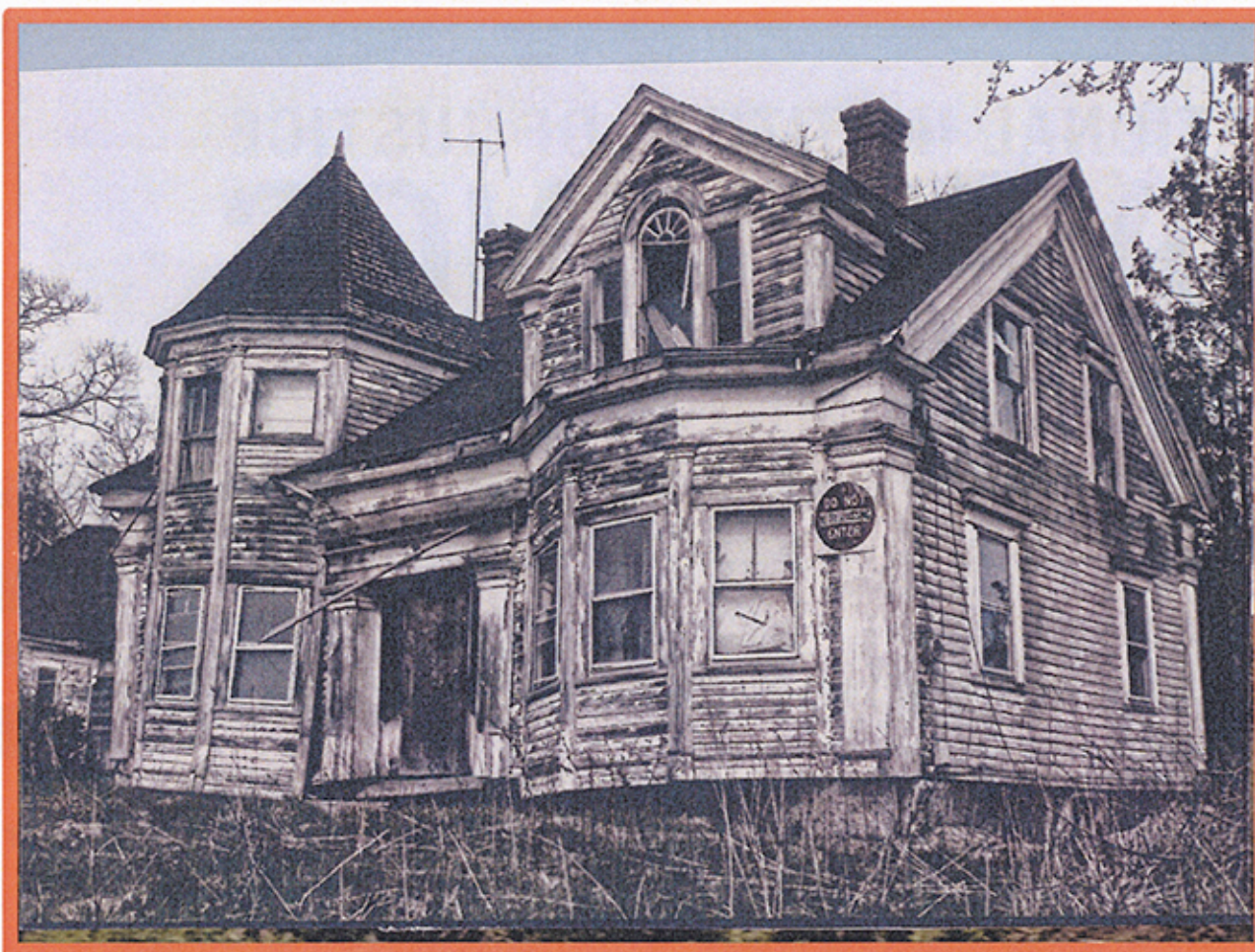
Cepparulo received a Bronze Star for his service before coming home to study law at Temple University. He first worked as a public defender in Philadelphia before he moved to Bucks County to open a private practice. The Republican was elected judge in 2003.

The county's ID cards allow veterans to get discounts at hundreds of businesses throughout the county.

— Ben Finley







**ABCL June 5-7, 2015 Conference, La Jolla, California**

**La Valencia Hotel (Known as "The La V")**

The La V is an iconic vintage hotel situated atop La Jolla Cove just steps away from the stunning California coastline. Overlooking the ocean, 40 rooms reserved at prices from \$375, \$395 and \$415, first come first serve basis for type of room. Friday night reception, Saturday night dinner, meetings and breakfasts. Come for more Fellowship and Friendship!

Breathtaking area with many sights, activities, world famous zoo, Sea World, winery tours, hiking, boutiques and galleries in La Jolla and San Diego.

Toll Free: 800.451.0772 Phone: 858.454.0771 Monday-Friday 8am-6pm~  
Saturday-Sunday 9am-4pm~ See the beautiful hotel at [www.lavalencia.com](http://www.lavalencia.com)

## Lacheen nominated to Supreme Court

April 1, 2015

*Philadelphia resident  
has been appointed*

AP, Philadelphia The President nominated U.S. Court of Appeals Judge Alexandra Lacheen for the Supreme Court last night. He introduced his choice for the nation's 112th justice in a primetime East Room ceremony broadcast live on national television after a dramatic day of shifting speculation that captivated Washington. The President hailed Lacheen as an impressive legal figure who would





# NATIONAL INSTITUTE OF JUSTICE

# FIVE THINGS

## ABOUT DETERRENCE



Deter would-be criminals by using scientific evidence about human behavior and perceptions about the costs, risks and rewards of crime.

**1. The *certainty* of being caught is a vastly more powerful deterrent than the punishment.**

Research shows clearly: If criminals think there's only a slim chance they will be caught, the severity of punishment — even draconian punishment — is an ineffective deterrent to crime.

**2. Sending an offender to prison isn't a very effective way to deter crime.**

Prisons are good for punishing criminals and keeping them off the street, but prison sentences are unlikely to deter future crime. Prisons actually may have the opposite effect: Inmates learn more effective crime strategies from each other, and time spent in prison may desensitize many to the threat of future imprisonment.

**3. Police deter crime by increasing the perception that criminals will be caught and punished.**

The police deter crime when they do things that strengthen a criminal's perception of the certainty of being caught. Strategies that use the police as "sentinels," such as hot spots policing, are particularly effective.

**4. Increasing the severity of punishment does little to deter crime.**

Laws and policies designed to deter crime are ineffective partly because criminals know little about the sanctions for specific crimes. Seeing a police officer with handcuffs and a radio is more likely to influence a criminal's behavior than passing a new law increasing penalties.

**5. There is no proof that the death penalty deters criminals.**

According to the National Academy of Sciences, "Research on the deterrent effect of capital punishment is uninformative about whether capital punishment increases, decreases, or has no effect on homicide rates."

Source: Daniel Nagin, "Deterrence in the 21st Century," in *Crime and Justice in America: 1975-2025* (ed. Michael Tonry, University of Chicago Press, 2013).

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.



Home » News » Esteemed defense attorney Hank Asbill receives White Collar Criminal Defense Award from NACDL, Stetson Law

Esteemed defense attorney **Hank Asbill** receives White Collar Criminal Defense Award from NACDL, Stetson Law  
Published March 16, 2015

On Saturday, March 14, the National Association of Criminal Defense Lawyers (NACDL) and Stetson Law presented **Hank Asbill** with the 2015 White Collar Criminal Defense Award. Asbill received his award during NACDL's White Collar Criminal Defense College at Stetson University College of Law in Gulfport, Florida. NACDL and Stetson co-present the award annually to individuals who have made a profound impact on the field of white collar criminal defense advocacy.



Hank Asbill accepted his 2015 White Collar Criminal Defense Award at Stetson.

Asbill is a partner at the Washington, D.C., office of Jones Day, where he has a distinguished national practice. He has successfully defended individual and corporate clients facing criminal and related civil charges for more than three decades and is presently representing former Virginia Gov. Robert McDonnell in a public corruption conviction appeal. Asbill frequently lectures on legal matters and was profiled in *The National Law Journal's* special "Winning" report on the nation's top litigators and in *SmartCEO* magazine as a "go to" lawyer for commercial litigation and white-collar criminal defense. He is a fellow of the American College of Trial Lawyers and Litigation Counsel of America and a member of NACDL's advisory committee. Asbill is past president and fellow of the American Board of Criminal Lawyers, past president of the D.C. Association of Criminal Defense Lawyers, and has served two terms on NACDL's Board of Directors.

In presenting the award, Stetson Professor Ellen Podgor, who serves as chair of the Advisory Committee for the College, said: "Hank Asbill is a lawyer who truly cares about the client; he is a

lawyer who never gives up until justice is done."

Asbill completed his undergraduate degree at Princeton University and earned his J.D. at Georgetown University.

The NACDL White Collar Criminal Defense College at Stetson is an educational "boot-camp" program for legal practitioners from across the country wishing to gain key advocacy skills and learn substantive white collar law from masters in the field.



(L-R): Professor Ellen Podgor with Hank Asbill.

## Prosecutors: No charges for NASCAR driver Kurt Busch

DOVER, Del. (AP) — Delaware prosecutors said Thursday that they will not file criminal charges against NASCAR driver Kurt Busch following allegations of domestic violence against his ex-girlfriend.

NASCAR officials indefinitely suspended Busch last month after a Delaware Family Court judge said the former champion almost surely choked and beat Patricia Driscoll inside his motorhome at Dover International Speedway last fall.

But the Delaware attorney general's office said Thursday that there was not enough evidence to bring criminal charges.

"After a thorough consideration of all of the available information about the case, it is determined that the admissible evidence and available witnesses would likely be insufficient to meet the burden of establishing beyond a reasonable doubt that Mr. Busch committed a crime during the September 26th incident," the attorney general's office said in a prepared statement.

Jim Liguori, a local attorney for Busch, said the driver, known in NASCAR circles as "The Outlaw," was thankful.

"All along, he knew he was going to be exonerated," Liguori said. "The Department of Justice really did the right thing after considered review."

"She absolutely tried to destroy him in the press, or tried to," Liguori added, referring to Driscoll. "But the truth wins out, and the truth is its own defense."

Driscoll did not immediately respond to email and telephone messages seeking comment.

Driscoll said Busch assaulted her in September after she drove from her Maryland home to Dover to check on Busch after receiving a series of disturbing texts.

Busch and his attorneys have portrayed Driscoll as a scorned woman who set out to destroy Busch's career after he ended their relationship.

Driscoll said she and Busch argued in the bedroom of the motorhome before he grabbed her by the face and neck and slammed her head against a wall three times.

Driscoll filed charges in November, saying she feared the incident might affect an ongoing child custody battle with her ex-husband.

Driscoll also filed for a no-contact order in November, which was the subject of four days of hearings in December and January. The Family Court hearing featured testimony from Busch and others who said Driscoll told stories of being a covert operative for the federal government and a trained assassin.



"Then we carefully disguise the bribes as legal fees by changing the word 'bribes' to 'legal fees.'"



"Your first perp walk, Your Honor?"



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### The RoundTable

Steve LaCheen, Editor

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### Future Meetings

June 5-7, 2015: LaJolla, CA

October 9-11, 2015: Sante Fe, NM

### 2016 Meetings

Havana, Cuba; Rome, Italy; Austin, Texas

*The RoundTable*

Steve LaCheen

1429 Walnut Street, Suite 1301

Philadelphia, PA 19102

**APRIL SHOWERS**

WORDS BY  
**B.G. DeSYLVA**

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HITS

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Vocal Selections  
Don't Send Your Wife to the Country  
It's a Sin  
April Showers  
Till the End  
Down South  
Give Me My Money  
That's the Way to Live

SUNSHINE  
MUSIC  
HARMONY

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