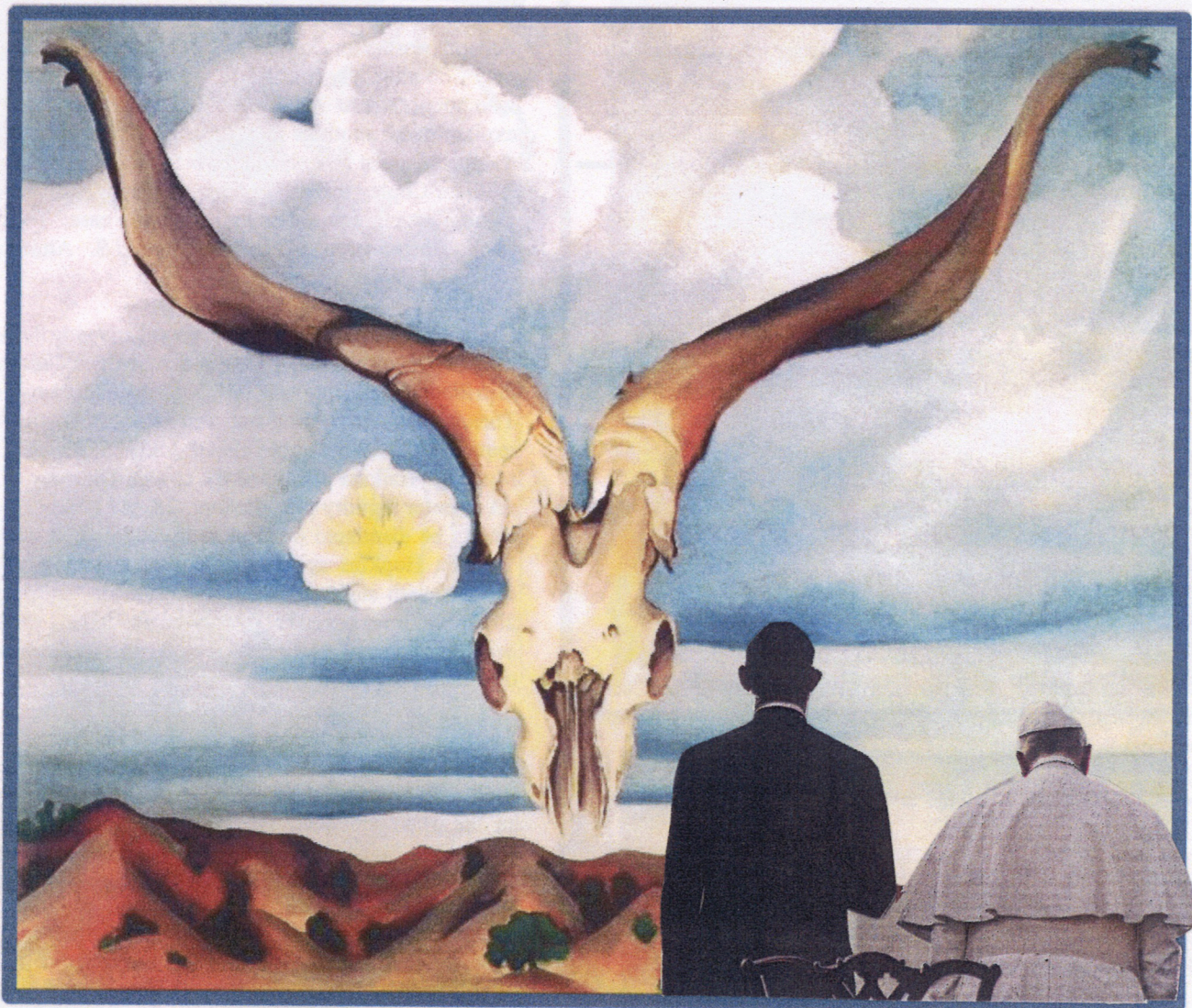


American Board of Criminal Lawyers

THE R⁺UNDTABLE

Vol. MMXV, No. 11

October 2015



Georgia O'Keeffe Museum, Santa Fe, NM

ABCL ANNUAL CONFERENCE, OCTOBER 9-11, 2015, Santa Fe, NM

LA POSADA RESORT & SPA

PROSECUTORS DECLINE TO CHARGE CAITLYN JENNER IN FATAL CRASH

LOS ANGELES-- Prosecutors declined to charge Caitlyn Jenner on Wednesday in a California car crash that led to the death of another driver, saying there was not enough evidence for a conviction.

Authorities said Jenner was towing an off-road vehicle on a trailer behind a Cadillac Escalade on Feb. 7 when she crashed into two cars, pushing one into oncoming traffic. Driver Kim Howe was killed when her Lexus was hit by a Hummer.

"We believed from the start that a thorough and objective investigation would clear Caitlyn of any criminal wrongdoing," said **Blair Berk**, Jenner's attorney. "We are heartened the district attorney has agreed that even a misdemeanor charge would be inappropriate. A traffic accident, however devastating and heartbreaking when a life is lost, is not necessarily a criminal matter."

(Reported by **Ian N. Friedman**)

If you think we have some crazy clients, take a look at this. Just when you have seen it all! Smoky, Dot and Tina will be looking for dependency counsel. Anyone interested?

Vicki I. Podberesky

Case No.: LD 068 397

STIPULATION RE: CUSTODY OF CATS; AND ORDER THEREON

Whereas on April 15, 2015 the Court ordered that Petitioner, Ronald J. Malleis ("Petitioner") and Respondent, Tammy M. Jenkins-Malleis ("Respondent"; collectively, the "Parties") alternate custody of their cats, Smoky, Dot and Tina (collectively, "Cats"), on a monthly basis as set forth in the Findings and Order After Hearing of April 15, 2015, filed on May 11, 2015;

Whereas the Court's Order for alternating custody of the Cats went through September 2015 with trial commencing on September 8, 2015; and,

Whereas the Parties agreed to continue the trial date to January 11, 2016.

IT IS HEREBY STIPULATED, by and between Petitioner, and through Petitioner's attorney of record, Thomas Law Offices, and Respondent, and through Respondent's attorney of record, Law Offices of Peter A. Lauzon, APLC, as follows:

1. The Parties shall alternate custody of the Cats a month at a time starting September 1, 2015 at which time Petitioner shall have custody of the Cats until October 1, 2015.

Petitioner shall thereafter have custody of the Cats in all odd-numbered months beginning on the 1st of each odd-numbered month. Respondent shall have custody of the Cats in all even-numbered months beginning on the 1st of each even-numbered month. The Parties shall alternate custody of the Cats as set forth in this Stipulation and Order until further written agreement of the Parties or Order of the Court, whichever first occurs.

NOMINATING COMMITTEE RESULTS:

The Committee - comprised of Homola, Froelich, Liguori, Mika, Hirsch, Goldberg, Spina and myself - met today and unanimously agreed to recommend the following slate to be voted on in Santa Fe:

President - Froelich; President-Elect - John Rion;
Vice-Presidents - Berk, Jenkins, Ossick, Synenberg, Swor;
Secretary - Podberesky; Treasurer - Wold;
Board of Governors - Beroset, Findling, Friedman, Handley, Hawkins, Kazan, Martin, Pancer, Rosen, R. Shaffer, Watson. Congratulations to all! - **Hank Asbill**

Charges dropped against Alabama and Ohio men in sale of 1,340 grenade fuzes (Reported by **Steve Salter**)

Federal prosecutors have dismissed charges against an Alabama man who allegedly sold 1,340 grenade fuzes and the Ohio man who bought them. Assistant U.S. Attorney Brad Felton did not explain in his motions to dismiss why the charges were being dropped against Joseph Matthew Smith, of Hayden, and James William Copley, of Akron Ohio. "An issue developed with a witness which required us to dismiss the case," Peggy Sanford, public information officer for the U.S. Attorney's Office explained Friday afternoon.

Smith, owner of Whisper Tech, an explosives dealer and training company, had pleaded guilty in June to one count of illegally distributing explosive material. His sentencing was to have been Tuesday. But the hearing was postponed. Felton on Wednesday requested the charge be dismissed. And U.S. District Court Judge Madeline Haikala dismissed the charge Thursday. Copley was set to enter a guilty plea on Sept. 28, but Felton asked that the charge be dismissed on Sept. 9, a request U.S. District Judge Virginia Hopkins approved the next day. Smith had been charged with selling 1,340 M228 grenade fuzes to Copley in 2013. Smith was licensed to possess and handle explosives, but according to court documents Copley was not licensed to buy or own them.

According to the military's Project Manager Close Combat Systems website the M228 is a pyrotechnic delay igniting fuze used with practice grenades. The M228 emits a small puff of smoke when activated. The fuzes are illegal to own without a specialized license. Practice grenades are not intended to project shrapnel but the M288 can be used with improvised grenades and explosive devices. An ATF official declined comment regarding the dismissal of the charges.

Smith's attorney, **Tommy Spina**, responded but did not discuss specifics of the reasons prosecutors dropped the charge against Smith. "Evidence was made known to the U.S. attorney's office on August 31st that directly affected the Governments' prosecution," Spina stated in an email to AL.com.

"To avoid what would have been a manifest injustice, the U.S. Attorneys' office, candidly and to its credit, felt that in the interest of Justice and to preserve the integrity of the Federal Criminal justice system, elected to agree to a withdrawal of the previously entered guilty plea and a dismissal of the case," Spina wrote. "The U.S. Attorneys' should be commended for the actions that it took to see that Justice was served."

CONSIDER THIS:

1. No matter how objective we try to be, it is still through the structure of the brain that we perceive the world.
2. We perceive only the sensations we are programmed to receive, and our awareness is further restricted by the fact that we recognize only those for which we have mental maps or categories.
3. The 'real world' is a construct of the mind.
4. We see a map of the world, not the world itself.
5. If it's all invented anyway, we might as well invent a story or a framework of meaning that enhances our quality of life and the life of those around us.

Change of Address:

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18th HALL OF FAME INDUCTION GALA

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MASTER OF CEREMONIES

RYAN SMITH, 247th CLASS
HOST, GOOD MORNING AMERICA

THURSDAY, OCTOBER TWENTY-NINTH, TWO THOUSAND FIFTEEN

COCKTAILS AT 5:30 PM DINNER AT 6:00 PM DESSERT BUFFET AT 7:00 PM
CEREMONY TO BEGIN PROMPTLY AT 7:30 PM

PHILADELPHIA MARRIOTT DOWNTOWN
1201 MARKET STREET
(REDUCED RATE FOR PARKING; ENTER ON FILBERT STREET;
PICKUP VOUCHER AT DINNER CHECK-IN TABLE.)

DINNER AND CEREMONY: \$175 PER PERSON

DESSERT BUFFET AND CEREMONY: \$36 PER PERSON

SPONSOR A STUDENT(S) FOR DESSERT AND CEREMONY: \$30 EACH

*A 501(c)(3) ORGANIZATION

KUDOS!

I'm happy to pass along the most excellent news that Fellow Dan Monnat (Wichita, KS) just got a Not Guilty verdict in a shaken-baby case. Ten days of trial, three hours of jury deliberations before the acquittal. Kudos to Dan!
Jim Jenkins

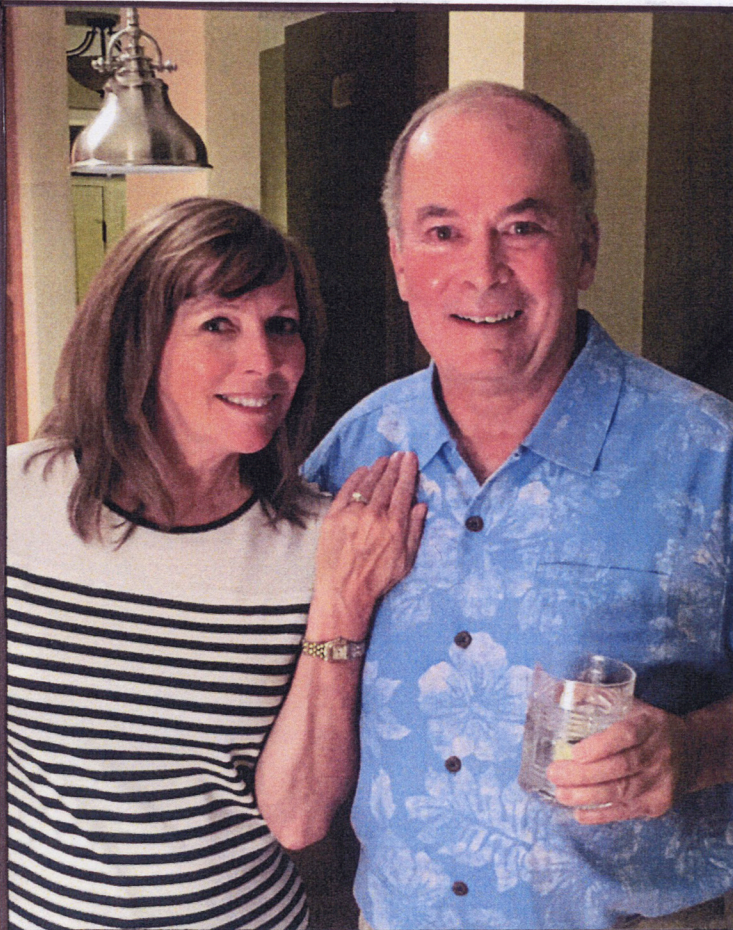
Kudos to Don Re on a dismissal in fed ct in California for a marihuana dispensary case after he filed voluminous motions to dismiss govt cavalierly didn't respond, ct ordered government to explain why they didn't and then dismissed because they were in pure legal terms-lame. Don's aggressive approach once again prevailed.
Dave Chesnoff

Some of you may remember that a few years ago I shared a case with you where I defended a woman for murdering her husband. The last words of the deceased before he was shot were "hey, fat ass, get me a beer."

Yesterday, I defended a woman charged with manslaughter. The deceased's last words as he charged her were "so bitch, I see you've got a knife, why don't you go ahead & stab me, that's what you've always wanted to do."

Not guilty.

Jeff Deen



9/4/15 - Ian Friedman wrote: Our dear friend and fellow Mark DeVan surprised a group of us at his home this evening. He and Claire got engaged in Hawaii recently and it is now officially public. This is a union of two truly special people. May they have a life of love and laughter together. (And so we all! Ed.)

FLIGHTS OF FANCY



Albuquerque, New Mexico, takes flight with world's largest hot-air balloon festival.

It's 7 a.m., and the crowds at Balloon Fiesta Park on the northern side of Albuquerque, New Mexico, are transfixed by a yellow flag. The weather is cloudy and windy. About an hour earlier, the Dawn Patrol had lifted off. Its choreographed inflation and launch sent murmurs of wonderment through the growing crowd, as the dozen balloons, illuminated against the still-dark sky, set off to test wind speeds and directions.

Now, we await the fate of the morning's mass ascension, which was scheduled to begin at 6:30 a.m. Hundreds of flight teams, their deflated balloons spread across the grounds, watch impatiently for a change of flags. Yellow, the current color, means the day's flight is delayed. Green means go, and red means the ascension is cancelled.

At almost 8 a.m., a cheer goes up. Green! Giant fans begin to whirl, and one by one, colorful balloons of all sizes and shapes begin to inflate. Another cheer erupts as the first balloon takes to the air. Soon, hundreds of balloons are lifting away like colorful champagne bubbles floating to the surface.

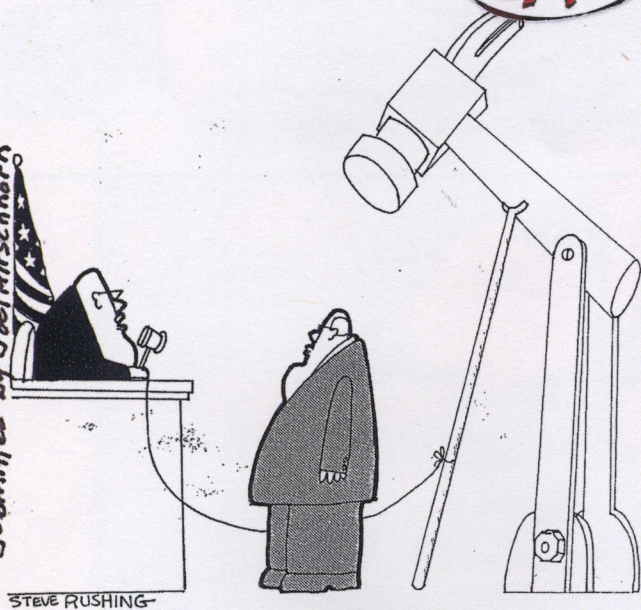
It's all part of the annual International Balloon Fiesta, Albuquerque's premier event and the world's largest gathering of hot-air balloons, and it's a must-see bucket-list event for anyone planning a visit to the New Mexico, the Land of Enchantment.



Ladder, chile ristras and a skull outside a

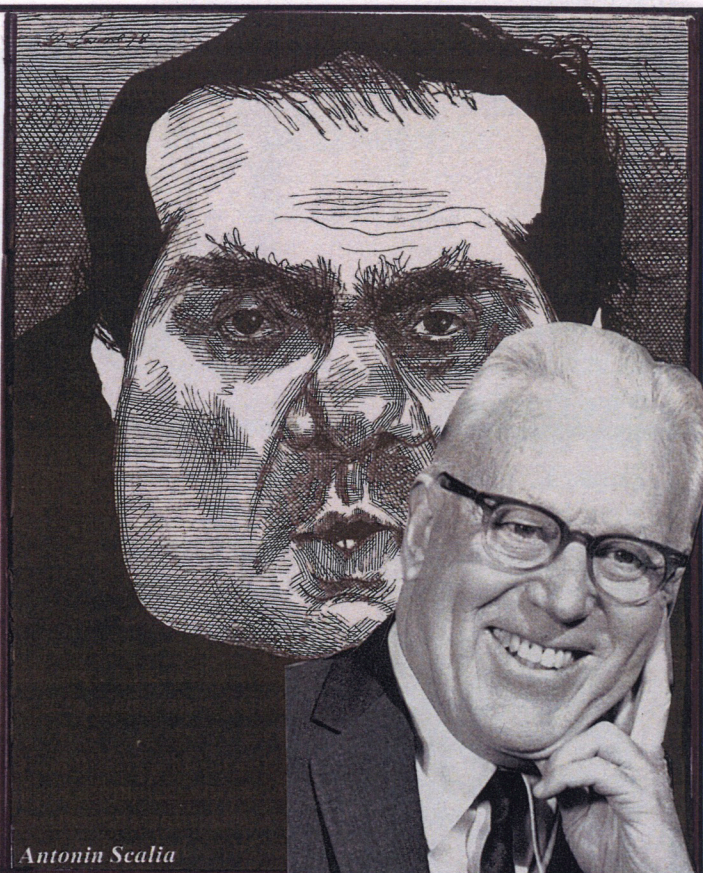


submitted by Joel Hirschhorn



STEVE RUSHING

"Is the defendant ready for sentencing?"



Antonin Scalia

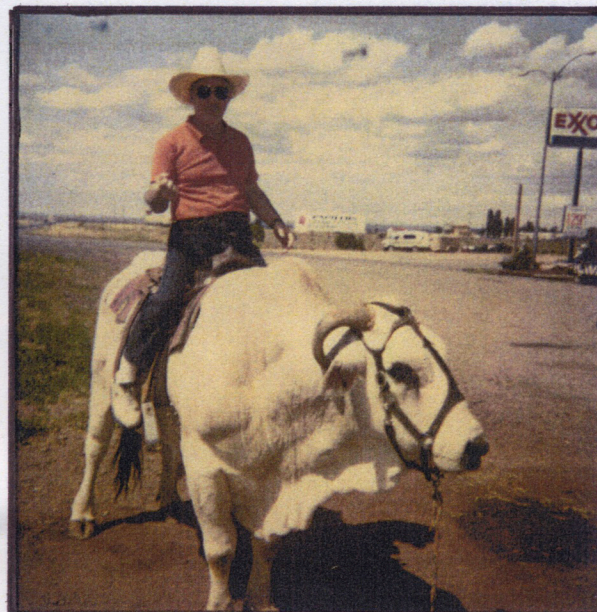
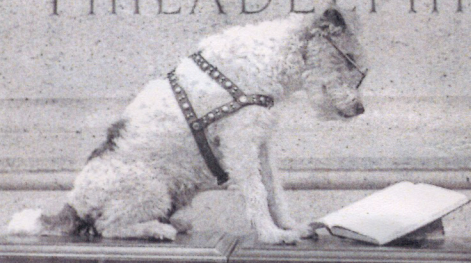
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Steve LaCheen, Editor

Rita Bognanni, Staff



Future Meetings

October 9-11, 2015: Santa Fe, NM

2016 Meetings

Feb. 11-15, 2016: Havana, Cuba

May 26-31, 2016: Rome, Italy

October ? - ?, 2016: Austin, Texas



The RoundTable

Steve LaCheen

1429 Walnut Street, Suite 1301

Philadelphia, PA 19102

