

American Board of Criminal Lawyers

THE ROUNDTABLE

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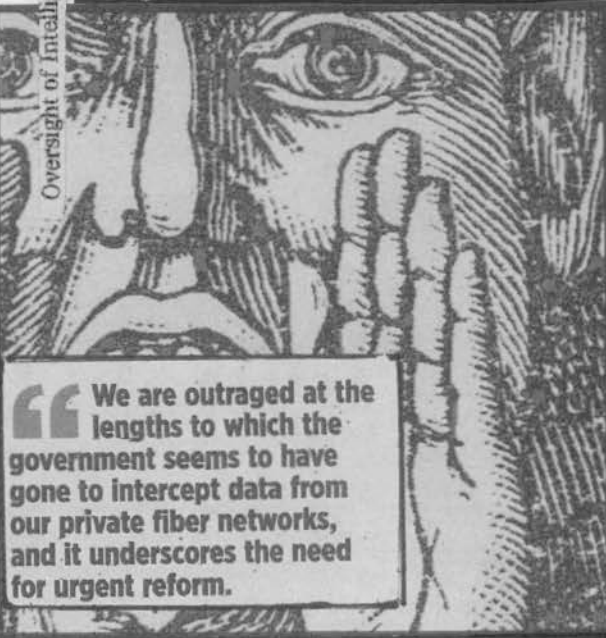
Google, Yahoo tapped by NSA

Users exposed via data links.

"Congressional Oversight of Intelligence is Broken."

The public needs to know the kinds of things a government does in its name, or the "consent of the governed" is meaningless. The consent of the governed is not consent if it is not informed.

Edward Snowden



“We are outraged at the lengths to which the government seems to have gone to intercept data from our private fiber networks, and it underscores the need for urgent reform.”

Yet no one at the White House seems to have foreseen the problem. Obama's aides say he didn't know about the spying on Merkel. Really? Didn't they know? Dianne Feinstein (D., Calif), chair of the Senate Intelligence Committee, also complained that no one told her either. So who's minding the store?

Of course, the same question is being asked on a larger scale since Snowden revealed the extent of the NSA's collection of metadata at home — including vast troves of Americans' phone and e-mail records. Yes,

But, if Merkel's phone could be tapped for years without White House or congressional notice, one must ask whether there is adequate supervision of the intelligence bureaucracy.

WORLDVIEW

Merkel is outraged

BRUSSELS, Belgium — The backlash in Europe over U.S. spying is threatening an agreement that generates tens of billions of dollars in trans-Atlantic business every year — and negotiations on another pact worth many times more.

Anger in Europe could imperil accords worth billions. "There needs to be trust," an EU official said.



Assessing the Famous Whistleblowers
By Eliot Giazar

KAREN SILKWOOD	EDWARD SNOWDEN	DEEP THROAT
	JULIAN ASSANGE	
		LINDA TRIPP

LATE-NIGHT COMEDY BAIT

Spying may cost U.S.

TIDBITS

(As reported by **Richard Sharpstein**)

Our Florida Fellow and former Prez **Richard Lubin** had an impressive and hard fought victory in Palm Beach Circuit Court last week. Richard represented Wayne Tovar, a 66 year old Dentist who had a bad night on the roads of Palm Beach County 3 years ago. While cruising in his drop top Caddy, he came into contact with a group of unruly and rowdy teens who were heavily tattooed and possibly stoned. A road rage incident escalated and resulted in the good Doc taking out his licensed to carry 357 magnum. One of the yutes came out the window and in fear for his life Tovar fired 4 shots at him. Two others in the car were wounded. The Doc did not call 911. Went home and was arrested. Richard mounted a brilliant defense anchored by great expert testimony and killer cross examination. The jury deliberated for 3 days and acquitted his client of 2 Counts of Aggravated Battery, 2 Counts of Agg Assault and Shooting into an Occupied Vehicle. Magnificent lawyering by our colleague.

Welcome New Members:

Jay Strongwater
1349 West Peachtree Street, Suite 1250
Atlanta, GA 30309

Christine Koehler
261 West Crogan Street
Lawrenceville, GA 30046

Martin Kus
390 N. Orange Avenue, Suite 2100
Orlando, FL 32801

Michael Waddington
601 North Belair Square, Suite 16
Evans, GA 30809

Rick Bednarski
90 South Cascade Avenue, Suite 1500
Colorado Springs, CO 80903

As reported 10/28/13 by **Richard Hirsch**:

Our own **Blair Berk** was prominently featured in the LA Times and all TV media in connection with her representation of Voice judge and Grammy winner, Cee Lo Green. Blair was able to convince the DA's office not to file rape charges against her client and he was only charged with a count of furnishing. To be continued.

APOLITICAL APHORISMS

If God wanted us to vote, he would have given us candidates.
~Jay Leno~

The problem with political jokes is they get elected.
~Henry Cate, VII~

We hang the petty thieves and appoint the great ones to public office.
~Aesop~

If we got one-tenth of what was promised to us in these State of the Union speeches, there wouldn't be any inducement to go to heaven.
~Will Rogers~

Politicians are the same all over. They promise to build a bridge even where there is no river.
~Nikita Khrushchev~

When I was a boy I was told that anybody could become President; I'm beginning to believe it.
~Clarence Darrow~

Why pay money to have your family tree traced; go into politics and your opponents will do it for you.
~Author unknown~

Politicians are people who, when they see light at the end of the tunnel, go out and buy some more tunnel.
~John Quinton~

Politics is the gentle art of getting votes from the poor and campaign funds from the rich, by promising to protect each from the other.
~Oscar Ameringer~

I offer my opponents a bargain: if they will stop telling lies about us, I will stop telling the truth about them.
~Adlai Stevenson, campaign speech, 1952~

A politician is a fellow who will lay down your life for his country.
~Tex Guinan~

I have come to the conclusion that politics is too serious a matter to be left to the politicians.
~Charles de Gaulle~

Instead of giving a politician the keys to the city, it might be better to change the locks.
~Doug Larson~

There ought to be one day -- just one -- when there is open season on senators.
~Will Rogers~

"Life isn't about waiting for the storm to pass, it's about learning to dance in the rain."

**BUY ONE
GET ONE FREE**

JOE BIDEN'S NIECE SPORTS BLACK EYE DURING COURT APPEARANCE FOR ATTACKING COP

By Barbara Ross AND Corky Siemaszko / NEW YORK DAILY NEWS

Tuesday, October 29, 2013, 11:26 AM

Caroline Biden faces up to a year in prison if convicted of hitting the police officer, who had responded to a call of a fight between Biden and her roommate at their Tribeca apartment in September. Neither Biden nor her attorney would say how she got her black eye came. Vice President Biden's niece sported a black eye and a bad attitude Tuesday when she appeared in a Manhattan court for slugging a city cop.

Caroline Biden let her lead lawyer **Ira London** do the talking for her as she stood sullenly before Criminal Court Judge Melissa Crane.



JEFFERSON SIEGEL/NEW YORK DAILY NEWS

Biden, joined by her lawyers, **James Liguori** (left) and **Ira London** (right), was in court thanks to a fight that led to her attacking a cop in September.

London refused to explain how Biden got the shiner beneath her right eye or even acknowledge it was there. But the famed defense attorney is no stranger to surly suspects — his past clients include notorious child-killer Joel Steinberg and Helen Mees, the former NYU prof accused of stalking a Citigroup bigwig.

The 5-foot-4, 115-pound spitfire is accused of getting "physical" on the morning of Sept. 17 with a police officer responding to a fight between Biden and her roommate at their Tribeca pad. "I know my rights, I shouldn't be handcuffed," Biden yelled after cops stopped her from attacking Officer Latesha Callahan, according to a complaint. Biden allegedly continued struggling when she got to the 1st Precinct stationhouse and cops had to pry her hands off the bars to get her into a cell. "Don't touch me," she allegedly yelled at one point, according to the complaint.

Biden was charged with misdemeanor obstruction of government administration, resisting arrest and harassment with physical contact. She faces up to a year in prison if convicted.

From the moment she arrived at the courthouse, Biden made it clear she didn't want to be there. Dressed in an expensive but unadorned black knit dress, her legs bare and her blond highlights in need of a touch-up, Biden sashayed before the judge and stood there in her black high heels with a pout plastered on her face. Other than a collection of friendship bracelets on one wrist, the bratty Biden did not appear to be wearing any other jewelry. Biden was ordered to report back to court on Dec. 17 if the charges aren't resolved before that date.

At the time of her arrest, Biden worked at an upper East Side art gallery. She reportedly got kicked out of the one-bedroom apartment for failing to pay her share of the rent, which was believed to be between \$3,000 and \$5,000. Biden's parents, who live in Merion Station, Pa., have not commented on the plight of their pugnacious daughter. Neither has the veep.

TBI lab error calls into question other results

(10/23/2013)

By BETH BURGER
STAFF WRITER

The Tennessee Bureau of Investigation is reviewing 3,800 lab test results from various criminal cases after a vehicular homicide case in Chattanooga was dismissed due to a lab error.

TBI has suspended Special Agent Kyle Bayer, who worked as a forensic

scientist. An internal investigation is under way with TBI submitting all of the cases that Bayer worked on to a private lab for retesting.

"We are currently gathering a cost estimation. There is no indication that other errors were made. We are doing this to be prudent," said Kristin Helm, spokeswoman for TBI.

Bayer was responsible for test-

ing a blood sample taken from Dale Edward Ferrell after a fatal car crash on March 16. Bayer's results showed there was alcohol in Ferrell's system, resulting in charges for driving under the influence and vehicular homicide.

Jerry Summers, an attorney representing Ferrell, submitted a blood

sample to a private lab, Aperia Lab Solutions, which came back with a blood result below the legal limit of 0.08.

"We moved for a motion to get a sample of the blood," said Summers, who said it's standard for more than one vial to be collected. "A lot of times I have used that to confirm the fact that the person was impaired. Sometimes they [TBI] are right on the money. Obviously, there's a big discrepancy between a 0.24 and a 0.001."

A Hamilton County grand jury indicted Ferrell, of Mississippi, in July after Chattanooga police said he struck the rear of a motorcycle while traveling south in the inside lane near mile marker nine on Interstate 75.

The motorcyclist, 59-year-old Edward Bankston, of Knoxville, who worked as an architect, crashed and died at the scene as a result.

Ferrell's charges were dismissed last week after prosecutors were notified by the TBI. They have since had to notify all defense attorneys of potential impact to cases.

The Hamilton County District Attorney's office filed a motion to dismiss the case against Ferrell.

"Our notification to defense counsel is consistent with a prosecutor's ethical duty to disclose exculpatory and potentially exculpatory evidence," said Neal Pinkston, executive assistant district attorney for Hamilton County District Attorney's Office.

As a result, it's possible convictions could be overturned through appeal, Summers said.

Helm said the TBI is also going to retest the sample from Ferrell to "determine if an error was made as the defense claims as part of our internal investigation. We believe it to be an isolated incident."

She said the error resulted because lab protocols were not adhered to.

Joel Hirschhorn, Brian Bieber join major law firm

Orlando-based GrayRobinson has acquired a Coral Gables law firm that specializes in criminal and civil white-collar defense. Hirschhorn & Bieber is a three-lawyer firm known for such big cases as the General Development Corp. trial and representing defendants in the large Mutual Benefits fraud. The firm is led by **Joel Hirschhorn** and **Brian Bieber**. GrayRobinson opened its 11th statewide office earlier this year in Boca Raton. It has about 37 lawyers in its Miami office and ranks 15th on the *South Florida Business Journal's* list of the Top 150 Largest Law Firms in the tri-county area. GrayRobinson President Bill Marshall said the Hirschhorn firm is a "leading force in criminal and white collar defense cases"

"As the needs of our clients have grown during our 13 years as partners, and 21 overall, it made sense for us to join with a full-service law firm that could help us serve them in large scale civil and criminal matters," said Hirschhorn, in a news release.

In a brief telephone interview, Bieber said the firm had been approached before about being acquired, but the fit wasn't right.

"When GrayRobinson came to us it was a natural fit," he said. "Although we are a boutique criminal defense firm, we won't lose our identity and we will take that boutique aspect to GrayRobinson"

That Should Be a Word

By Lizzie Skurnick

LOUNGERIE

(LOUNGE-uh-ray), n.

1. Leisure wear that is suspiciously indistinguishable from actual underwear. "During her training for the 10K, Jo's predilection for loungerie grew such that she almost wore satin slides and a long camisole to work." See also: *brangerie* (logo-stamped underthings); *nongerie* (commando).



Our Fellow Jeff Deen convinced a tough federal judge in Mobile, Alabama, to acquit his client of mortgage fraud. Well done, Jeff! (Submitted by Joe Beeler).

Here is the story:

Federal judge throws out mortgage fraud charges against Mobile loan processor

By Brendan Kirby bkirby@al.com

October 02, 2013 at 7:31 PM

MOBILE, Alabama – A federal judge Wednesday took the unusual step of throwing out criminal charges mid-trial against a loan processor accused of participating in a conspiracy to defraud a mortgage company in a real estate transaction.

The prosecution called several witnesses – including a pair of co-defendants – to describe a scheme in which a homebuyer was made to look like he was qualified for a mortgage. At the end of the prosecution's case, though, U.S. District Judge Ginny Granade ruled that the government had not presented enough evidence to send the charges to the jury. She ordered that defendant Katherine "Katie Mae" Holston be acquitted of conspiracy and making false statements to obtain a loan.

"She's excited," defense attorney Jeff Deen said. Alluding to reports that the federal court system will have stop holding trials if the government shutdown drags on too long, Deen quipped, "Not only is the government shut down, we shut them down early."

Holston worked for Midtown Mortgage, a mortgage broker that has been sued over its business practices. Several of its employees have been charged with federal crimes related to loans that went bad.

This case involved a \$110,269 loan given to Brian L. Jackson for a property on Belvedere Drive in Mobile in 2007. Court records indicate that Jackson agreed to testify in hopes that prosecutors would recommend that he participate in a pretrial diversion program that would result in the dismissal of the charge upon his successful completion. According to testimony, Jackson had no money or job. The real estate agent, Alonzo L. McCants, admitted that transferred \$1,900 from his own credit union account into an account that Jackson had opened with \$5 a day before.

The loan officer for Midtown Mortgage, Anthony Melvin Wilkes, submitted phony W-2 tax forms indicating Jackson's employment at a roofing company. Wilkes pleaded guilty in July and awaits sentencing. As a loan processor, it was Holston's job to verify the information in the mortgage application before it was sent to the lender. Holston did verify the information, which prosecutors alleged was an act of fraud. "She lied on a verification of employment," Assistant U.S. Attorney Gina Vann told jurors during her opening statement, pointing out that the phone number listed for Jackson's employer actually belonged to McCants.

The loan quickly defaulted and the lender, Chase Home Finance, sold the property for a loss at a foreclosure auction. Since it was a government-backed loan, the U.S. Department of Housing and Urban Development made up the \$62,000 difference.

"These individuals didn't care about that," Vann said. "All they wanted was to get their fees." No one involved in real estate transactions get paid unless and until the borrow gets approval for the mortgage. For Holston, that meant a flat fee of \$350, Vann said. "She only gets paid if the loan's approved," she told jurors.

But Deen told jurors that his client had no knowledge of the fraudulent scheme. "If you're in a bed of crooks and thieves and you don't know it, it doesn't put you in their conspiracy," he said. "Into this mess comes Katie Mae – honest Katie Mae Holston."

Prosecutors argued that jurors could infer Holston's guilt from the circumstances – the phone number that she should have known was phony and the fact that the defendant verified the \$1,905 in Jackson's account during a narrow window between the time he opened the account and when McCants took his money back.

But the judge ruled that prosecutors offered no evidence proving Holston's guilt. "She didn't know about it at all, was our defense," Deen said. "All she was was a clerical worker given orders by the loan officer." Had the case gone to the jury, one of the people who would have helped decide the case as the daughter of former federal judge Brevard Hand.

Deen said he did not realize that until after the jury had been selected. He said he picked her because she was a homeowner and he wanted a panel "sophisticated" in the ways of home financing.

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JULIA WRITES:
My girlfriend is significantly smaller than me — I would say I am 150 percent of her size. I should, then, get a larger proportion of the bed, right? She wants to divide the bed exactly down the middle. What is your ruling? Unless your girlfriend is constructing a series of walls and fortified bunkers down the middle of your bed, then her division of your sleeping space will merely be a figurative Maginot line. For what peace is honored in wakefulness is ignored in sleep, when all is war. The sheer bulk of your forces shall always push her aside in your dreamtime search for Lebensraum. Or else outflank her by going through Belgium. Sorry to compare you to Nazi Germany. Get a king-size bed.

The RoundTable
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Board of Governors 2013

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The RoundTable

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Future Meetings

February 7-8, 2014: Key West, FL

June 12-15, 2014: Aspen, CO

October 10-12, 2014: San Francisco, CA