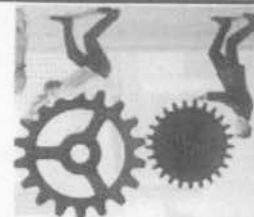


American Board of Criminal Lawyers

THE ROUNDTABLE



Vol. MMIV, No. 4

SLOWING DOWN THE FAST GENERATION

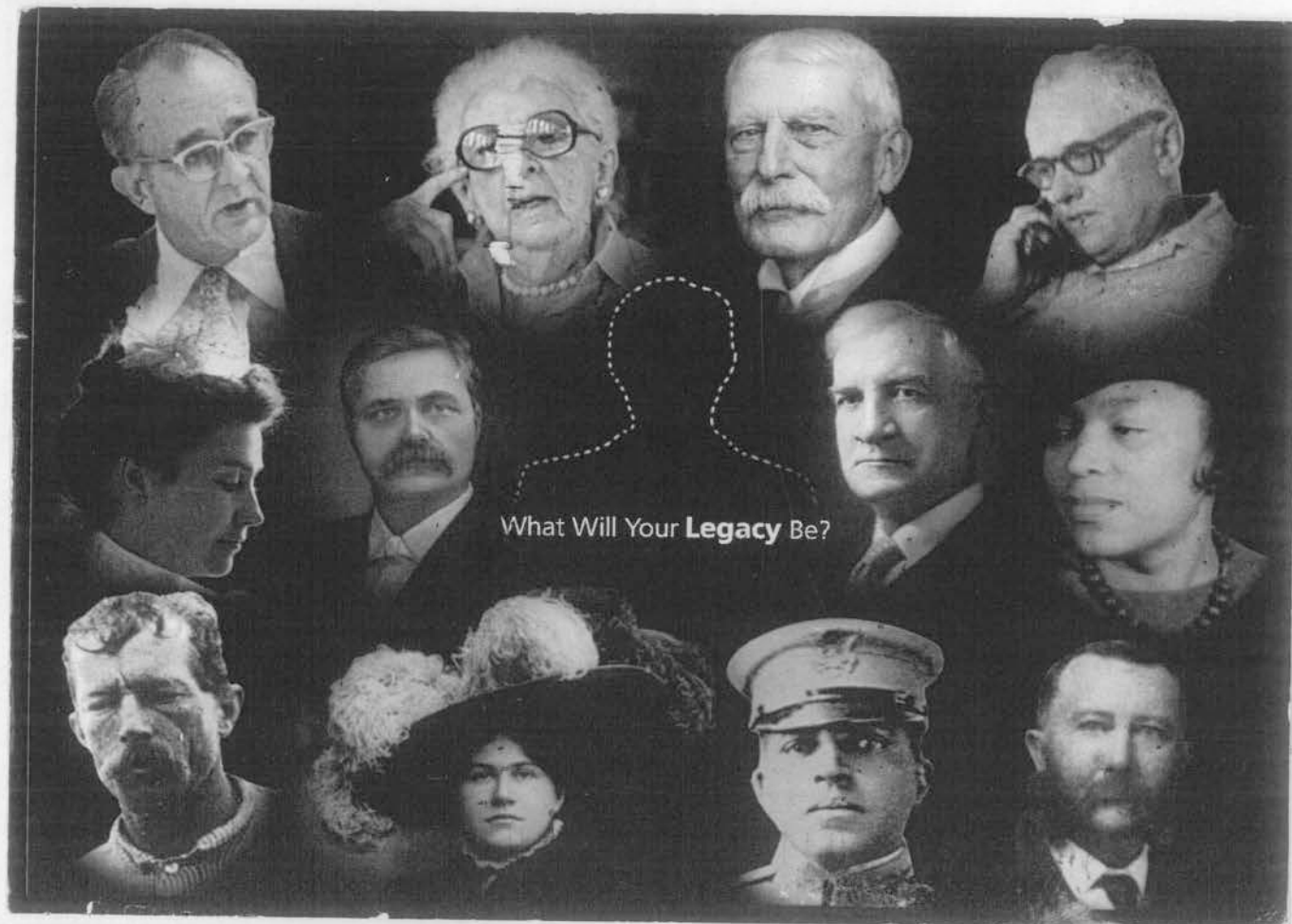
March 2014

Globalized processes have caused in us (all over the world) a general sense of searching for immediate results. Therefore, we have come to possess a need to see immediate results. This contrasts greatly with the slow movements of the Swedish. They, on the other hand, debate, debate, debate, hold x quantity of meetings and work with a slowdown scheme. At the end, this always yields better results. Nowadays, there's a movement in Europe named Slow Food. This movement establishes that people should eat and drink slowly, with enough time to taste their food, spend time with the family, friends, without rushing. Slow Food is against its counterpart, **Fast Food and what it stands for as a lifestyle**. Slow Food is the basis for a bigger movement called Slow Europe, as mentioned by Business Week. Basically, the movement questions the sense of "hurry" and "craziness" generated by globalization, fueled by the desire of "having in quantity" (life status) versus "having with quality," "life quality," or the "quality of being."

French people, even though they work 35 hours per week, are more productive than Americans or British. Germans have established 28.8 hour workweeks and have seen their productivity driven up by 20%. This slow attitude has come to the notice of USA, the pupils of the fast and "do it now" brigade. This no-rush attitude doesn't represent doing less or having a lower productivity. It means working and doing things with greater quality, productivity, perfection, with attention to detail and less stress. **It means re-establishing family values, friends, free and leisure time.** Taking the "now" present and concrete, versus the "global," undefined and anonymous. It means taking humans' essential values, the simplicity of living. It stands for a less coercive work environment, more happy, lighter and more productive work place where humans enjoy doing what they know best how to do.

It's time to stop and think on how companies need to develop serious quality with no-rush that will increase productivity and the quality of products and services, without losing the essence. **Many of us live our lives running behind time, but we only reach it when we die of a heart attack or in a car accident rushing to be on time.** Others are so anxious to live for the future that they forget to live the present, **which is the only time that truly exists.** We all have equal time throughout the world. No one has more or less. **The different lies in how each one of us does with out time.** We need to live each moment. As John Lennon said, **Life is what happens to you while you're bust making other plans."**

Congratulations for reading this email to the end. Many will have stopped in the middle so as not to waste time.



Texas man will NOT be charged for fatal shooting of sheriff's deputy who entered home with search warrant

Daily Mail - Mail Online By James Nye (2/6/2014)

A Central Texas man who shot and killed a sheriff's deputy entering his home will not be charged with capital murder, attorneys said Thursday. A local grand jury declined Wednesday to indict Henry Goedrich Magee for the December death of Burleson County Sgt. Adam Sowders, who was part of a group of investigators executing a search warrant for Magee's rural home. Sowders and other officers entered the home about 90 miles northwest of Houston without knocking just before 6 a.m. Authorities were looking for guns and marijuana.

Magee's attorney, **Dick DeGuerin**, said his client thought he was the victim of a home invasion, reached for a gun and opened fire.

DeGuerin has acknowledged his client had a small number of marijuana plants and seedlings, as well as guns he owned legally. The grand jury did indict Magee for possession of marijuana while in possession of a deadly weapon, a third-degree felony.

'This was a terrible tragedy that a deputy sheriff was killed, but Hank Magee believed that he and his pregnant girlfriend were being robbed,' DeGuerin said in an interview Thursday. 'He did what a lot of people would have done,' DeGuerin added. 'He defended himself and his girlfriend and his home.' The longtime defense attorney said he could not immediately remember another example of a Texas grand jury declining to indict a defendant in the death of a law enforcement officer.

Julie Renken, the district attorney for Burleson County, said in a statement Thursday she thought the sheriff's office acted correctly during events that 'occurred in a matter of seconds amongst chaos.' 'I believe the evidence also shows that an announcement was made,' Renken said. 'However, there is not enough evidence that Mr. Magee knew that day that Peace Officers were entering his home.'

Magee's attorney, Dick DeGuerin of Houston, called the fatal shooting a tragic accident. He said Magee was asleep and didn't know sheriff's deputies were entering his rural home near Somerville, about 90 miles northwest of Houston.

'Hank, like any homeowner, defended himself and his pregnant girlfriend,' DeGuerin said in December.

DeGuerin said sheriff's deputies did not knock on the door or announce who they were when they entered the home. 'This is something that could have happened to anyone protecting their home at night,' he said.

Not guilty: Steroid doctor, pharmacist cleared on all counts

By Jane Musgrave *Palm Beach Post Staff Writer*



In yet another defeat for the government's efforts to pursue doctors for drug dealing, a federal jury Thursday acquitted a physician and a pharmacist of dozens of charges that they operated a massive steroid ring. Cries of joy filled the courtroom as a court clerk uttered the words "not guilty" 44 times as she read the jury's long-awaited verdict. Friends and family members of Dr. Timothy Sigman and pharmacist Peter Del Toro grabbed each other, hugging, weeping and celebrating the end of what most described as a 2 1/2-year nightmare.

Still, despite claims of confidence and divine intervention, the tension was palpable in the courtroom when the jury, which deliberated for more than 30 hours over six days, announced it had reached a verdict. With federal prosecutors boasting a conviction rate of well beyond 90 percent, acquittals are rare.

Veteran attorney **Richard Lubin**, who represented Sigman, acknowledged as much. "We were in a bruising battle for three months," he said. "It was like we were in a war." At the end, however, he said, the winning formula came down to a simple strategy: "We let the jury know what the truth was and the truth was these guys were not criminals." Del Toro, who owned Treasure Coast Specialty Pharmacy, and Sigman, 42, a Sebastian internist who grew up in Palm Beach County and now lives in Palm Beach Gardens, claimed they are passionate believers in the power of hormone replacement therapy to cure a variety of age-related ills.

Their attorneys argued they developed a cutting-edge practice that enabled them share their passion with people from throughout the nation. After looking at blood tests and medical histories, Sigman would talk to patients on the phone - often for more than an hour - to determine if anabolic steroids, testosterone and human growth hormone would cure what ailed them. Prescriptions were filled at Del Toro's compounding pharmacy and delivered by mail. During the lengthy, complex trial, Assistant U.S. Attorney Ellen Cohen questioned the business practices of the accused. Instead of charging patients for consultations, Sigman, Del Toro and their sales associates shared the profits of drug sales. "There was no justice today. The jury prevented an injustice," Del Toro said.

Fellows: Our own sentencing, post sentencing, and BOP expert, **Alan Ellis**, had a huge success that was plastered all over the California news. He represented at sentencing a cop who was convicted in what was called the Dirty DUI case. The allegations were that local disgruntled wives hired a PI who got their no good spouses drinking, and then arranged with Alan's client to stop and arrest them, while supposedly taking gratuities in return. At times it was billed as the largest law enforcement misconduct case in the county. He was convicted in federal court. The government asked for 44 months; probation for 37 months, and Alan got him 15 months. For those who have not seen any of the coverage, here is a small example. <http://www.nbcbayarea.com/video/#!/on-air/as-seen-on/Ex-Contra-Costa-Co-Deputy-Sentenced-in-Dirty-DUI-Case/246260681>

(CORRECTION: First Lady Jennie Mika's name was misspelled in a prior issue.)



Fellow **Gerry Goldstein** at his 70th Birthday bash on top of Aspen Mountain. Also present ABCL members **Ed Garland, Victor Sherman, Raymond Brown and me (Richard Hirsch)**. First Lady **Jennie Mika** also in attendance. Hirsch for TMZ.

(CORRECTION: First Lady Jennie Mika's name was misspelled in a prior issue.)

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The James Building
735 Broad Street, Suite 800
Chattanooga, Tennessee 37402

February 10, 2014

Steven R. LaCheen
1429 Walnut Street, Suite 1301
Philadelphia, PA 19102

Dear Steven:

I am certain that by the time you receive this letter, you will have returned from the big event at the southern tip of Florida in Key West. I had hoped to attend but unfortunately, the enclosed matter has created a problem for us getting away this weekend.


The purpose of sending you this [redacted] pertaining to the case we just concluded in a major marijuana case for Hamilton County, Tennessee is the fact that the sentencing judge who is a former prosecutor and hard-nose sentencer went for our argument on "sentencing disparity and actually cited the proposed legislation in Congress to reduce some sentences under the Smarter Sentencing Act. However, the purpose of sending you this information is that unfortunately that the statute only calls for a two level downward departure. In our case, we were able to get the judge from 121-151 months down to 72 months, which does show that there is an opportunity for a "lawyering" that might get under longer sentencing guidelines.

In the event you think it has any merit, please feel free to use it or put it in file 13.

I look forward to hearing your stories of the events of Key West at a later date.

Sincerely yours,

SUMMERS & WYATT, P.C.

By: 
Jerry H. Summers

(P.S. Did you know First Lady Jennie Mika's name was misspelled in a prior issue.)

Prosecutors: Darren Sharper drugged, raped two women

Brent Schrottenboer and Mike Perlstein, USA TODAY Sports 11:29 a.m. EST February 15, 2014



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1740

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(<https://twitter.com/intent/tweet?url=http://usat.ly/1b2SvAS&text=Prosecutors:%20Darren>)

596

TWEET

Former NFL player Darren Sharper has been charged with drugging and raping two women in California and also is suspected of doing the same to other women in Arizona, Nevada and Louisiana, according to the Los Angeles County District Attorney's office.

(Photo: Lynne Sladky, AP)

Sharper, once a star safety with the New Orleans Saints, is suspected of raping seven women in four states, all after offering them drinks laced with drugs, according to a court document submitted by a Los Angeles police officer investigating the case. The detective stated he suspected that Sharper also drugged additional people who accompanied these women, increasing the total suspected druggings to 11 cases combined since September.

So far he faces criminal charges only in Los Angeles — two counts of rape by use of drugs, four counts of furnishing illegal drugs and one count of illegal morphine possession, all felonies. The drug allegedly involved in the rape cases was zolpidem, a sedative allegedly delivered by shot glass in separate incidents on Oct. 30 and Jan. 14. The other cases in Las Vegas, New Orleans and Tempe remain under investigation.

WELLS REPORT: Reveals findings on Dolphins case (<http://www.usatoday.com/story/sports/nfl/dolphins/2014/02/14/richie-incognito-jonathan-martin-wells-report-miami-bullying-mike-pouncey-john-jerry/5482571/>)

"We look forward to the true facts being revealed in this case," Sharper's attorney **Blair Berk** said. "And we are hopeful Mr. Sharper will be fully exonerated before this case is concluded."

Sharper, 38, was arrested by Los Angeles police on Jan. 17 and released on \$200,000 bond. If convicted, he faces more than 30 years in state prison.



A STUDY IN COMPARATIVE JUSTICE

Or, Why "Criminal Justice" Is An Oxymoron

(Both Defendants represented by same counsel, in the same Court, in the same year)

Defendant	PAUL		RICHARD
Gender		Male	
Age	40		50
Race		Caucasian	
Family		Intact (with working Wife & 2 children)	
Prior Record		None	
Offense		Fraud	
Type	False Class Action Claims		Stock Pump Kickback, (Sting) No Dump
Actual Loss	\$44 million		\$0
Intended Loss	\$100 million		\$2.5 - \$7 million
Personal Gain	\$750,000		\$0
Quantum/Ev	Co-Deft & Tapes*		Informant & Tapes*
Confession	No		Pre-Arrest
Co-op	No		N/A
Plea		Early (Information)	
Court		USDC ED PA	
Judge		Male (60's)	
Ethnicity	Irish-Amer. Catholic		Cuban-Amer. Catholic
Mitigation	Offender Factors		Offense Factors
USSG G/L	70-87 months		63-78 months
Sentence	Probation		51 months
Appeal	By Govt		By Defendant
Disposition	Reversed & Remanded		Affirmed
Re-Sentence	Probation		N/A

*The moving criminal force in each case was Waltzer, the same master-fraudster. Paul was his right-hand man in the \$44M fraud. Richard was set up in a sting after Waltzer was caught and set loose as a "C/I" to make cases.

Gov. Brown Reappoints Capozzi to the Commission on Judicial Performance

Gov. Jerry Brown named former State Bar President **Anthony Capozzi** of Fresno to serve a second term on the Commission on Judicial Performance.



Capozzi, 67, was originally named to the CJP in April 2010 to succeed Marshall B. Grossman, who had held over after his second-and final-term expired. Capozzi has been holding over since his first term expired Feb. 28 of this year; his new term expires Feb. 28, 2017.

Capozzi has owned and operated the Law Offices of Anthony P. Capozzi since 1979. He was a member of the Judicial Council of California from

2005 to 2010, and served as the State Bar of California's 79th president from 2003 to 2004.

The commission is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity, and for disciplining judges.

Capozzi graduated from State University of New York, Buffalo and the University of Toledo College of Law. He was a law clerk for the U.S. District Court for the Southern District of Illinois from 1970 to 1973, and served the U.S. Department of Justice as an assistant U.S. attorney from 1973 to 1979. His current practice focuses mainly on criminal law, with some civil work. He has served as president of the Fresno County Bar Association and the Federal Bar Association, San Joaquin Valley Chapter; lawyer co-chair of the Ninth Circuit Judicial Conference; co-chair of the Bench Bar Coalition; and member of the state Access and Fairness Commission, 2004-2005. He is a fellow of the American College of Trial Lawyers.

Capozzi was admitted to the State Bar of California in 1976, and is also admitted in Ohio and Illinois. He is a Democrat.

The CJP is composed of one Court of Appeal justice, two superior court judges, two attorneys and six lay citizens—two each appointed by the governor, the Senate Rules Committee, and the speaker of the Assembly. The attorney members are appointed by the governor and the judicial members by the state Supreme Court.

Capozzi is currently the vice-chairperson of the commission, having been elected to the post by his fellow members in October. Santa Clara Superior Court Judge Erica R. Yew is the chairperson.

Members are appointed to four-year terms, subject to a limit of two full terms plus up to two years of an unexpired term. A member whose term has expired may continue to serve until the vacancy has been filled.

REPORTED BY DONALD RE

Fellows:

Our own sentencing, post sentencing, and BOP expert, **Alan Ellis**, had a huge success that was plastered all over the California news. He represented at sentencing a cop who was convicted in what was called the Dirty DUI case. The allegations were that local disgruntled wives hired a PI who got their no good spouses drinking, and then arranged with Alan's client to stop and arrest them, while supposedly taking gratuities in return. At times it was billed as the largest law enforcement misconduct case in the county.

He was convicted in federal court. The government asked for 44 months probation for 37 months, and Alan got him 15 months.

Welcome New Members:

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Minneapolis, MN 55402
(612) 339-5055

John Lichtenstein, Esquire
101 S. Jefferson Street, Suite 400
Roanoke, VA 24011
(540) 343-9711

Jennifer Lukemeyer, Esquire
114 East Washington Street, Suite 300
Indianapolis, IN 46204
(317) 632-4463

Justin V. Shur, Esquire
600 New Hampshire Avenue, NW
Washington, DC 20037
(202) 556-2005

Fellows,

I am happy to report an incredible result registered by our beloved Treasurer, **John H. Rion** in the very unforgiving, conservative federal court in Omaha Nebraska. John recently represented a 2 time prior felon who found himself in possession of 2400 lbs of marijuana. The government wanted a minimum 78 month sentence. John was able to use his skills and his charm to get his client what amounts to a 30 month sentence. Even in the free state of Colorado that is unheard of. Congratulations, John!

Pat Mika

Quote of the Month (Any Month):

"Remember: If the jury box is stacked with foxes...the chicken is always guilty!!"

- J. STEPHEN SALTER

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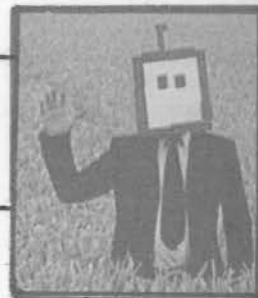
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Future Meetings

June 12-15, 2014: Aspen, CO

October 10-12, 2014: San Francisco, CA