

American Board of Criminal Lawyers HE ROUNDTABLE





DAVID Z CHESNOFF, CHARTERED RICHARD A SCHONFFLD CHARTERES Chesneff & Schenfeld

SEO SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101-6593

TOUCHION, TOP BRANKERS TAX CON SUBJECT

May 10,2022.

ROBERT ? CHARCO

Chesnoff's punchless win KO's Tyson's winless punch (Boxer's mouthpieces save Boxer's butt)

After a thorough investigation, no charges will be filed against Mike Tyson for the incident at San Francisco International Airport on April 20, 2022. We thank San Mateo District Attorney Stephen Wagstaffe, the San Mateo County Sheriff, and all law enforcement agencies involved in this investigation for their careful, diligent, and professional work.

-David Z. Chesnoff, Richard A. Schonfeld, and Martin A. Sabelli, Attorneys for Mike Tyson

Marshall Schulman, Esq.

(February 14, 1927 - January 23, 2022)



Marshall Schulman, a top prosecutor, defense attorney and a volunteer with Bay Area Coalition of Concerned Legal Professionals, passed away January 23, 2022 in San Francisco. Schulman regularly conducted Know Your Law sessions and provided legal advice on

criminal law at CCLP legal sessions. He was a contributing author to *Verdict*.

Schulman was born February 14, 1927 in Los Angeles and was admitted to the bar in 1953. After service in the army, Schulman attended Los Angeles City College, UCLA and Loyola Law School on the G.I. bill. Schulman was Deputy District Attorney for the County of Los Angeles from 1956-65, after which he entered private practice as a defense attorney. Schulman was President of the Orange County Criminal Courts Bar Association, Chairman of the Orange County Criminal Defense Advocates and a fellow of the American Board of Criminal Lawyers, the American College of Trial Lawyers and the American Inns of Court. He was chairman of the California Bar Association Criminal Law Section. He was also a member of the State Bar of California Criminal Law and Procedure Committee, its Committee on Criminal Justice, Chairman of its Advocacy Committee of Legal Specialization, Criminal Law Section and a member of the Executive Committee of the Criminal Law Section. Schulman was also both a

member of the American Board of Trial Advocates and President of its Orange County Chapter and a member of its National Executive Committee, a rare honor for an organization of civil trial attorneys.

A consummate professional, Schulman was known for mentoring younger criminal defense attorneys. Former Orange County Public Defender Carl Holmes recalled to *Verdict* how when he was a young public defender, Schulman, sitting in the courtroom watching him try a case, would whisper advice to him on his questions during cross-examination.

As a prosecutor, Schulman prosecuted the case which was the basis of Joseph Wambaugh's novel *The Onion Field* and the film based on that novel, which concerned the shooting of a Los Angeles police officer.

In his seventies, Schulman relocated to San Francisco and conducted an active practice there, where he met and became involved with CCLP.

In his article in *Verdict*, "Conversion" (Vol. 7, No. 3, July 2001), Schulman told the riveting tale of how he was converted from an aggressive and rigid prosecutor to a "real defense attorney," after representing a man who had been 20 minutes from execution for a crime he did not commit. As he stated in the conclusion of his article:

Before Risoto, I had thought there were a few rotten apples (and I thought I knew who they were), but, for the most part police were okay. I didn't realize the extent of police corruption. The Risoto case changed me. The imprisonment of just one innocent person is over-prosecution. Aggressive prosecution was one thing, but this was abuse and never should have been allowed. I became a real defense attorney overnight.

METRICUS REVIEW

Jury Research Newsletter

Volume 10 Number 6

September/October 1998

Decoding Facial Expressions

The Research

Can jurors tell how outraged you are by the assertions of opposing counsel?—Can they tell how badly your principal witness feels about having had to terminate the plaintiff during a corporate downsizing?

How likely are jurors to correctly read the facial expressions of a witness and the facial expressions of you and your colleagues at the counsel table?

A study reported in the Lournal of Nonverbal Behavior investigated whether individuals are able to use the expression on a person's face to determine what emotion the person is experiencing.

At the outset of the study, the researchers selected sequences from Hollywood movies that they thought would elicit particular emotions in viewers. For example, they used a sequence from the film "Terms of Endearment" to elicit the emotion of sadness.

Individuals were shown the sequences selected by the researchers and secretly videotaped (without sound) as they watched them.

These silent videotapes were then shown to a different set of individuals, individuals who were the subjects in the study. (Note that what the subjects watched were silent videotapes of ordinary people experiencing a variety of emotions—emotions triggered by the movies they were watching.)

After watching each individual videotape, the subjects were asked

to select from a list of emotions the emotion they believed the person in the video had expressed.

In reviewing the results, the researchers found that while nearly everyone could tell when someone was happy, many subjects had difficulty interpreting negative facial expressions.

"While nearly everyone can tell when someone is happy, many have difficulty interpreting negative facial expressions."

More specifically, when the person in the videotape had an angry, disgusted, sad or fearful-surprised facial expression, the subjects were able to correctly identify the emotion on average only fifty-nine percent of the time. In particular, the subjects had a difficult time with anger, identifying it correctly a mere thirty-nine percent of the time.

Even with sadness, which proved to be the easiest of the negative emotions to identify, the subjects confused it with other emotions about twenty-five percent of the time.

In further reviewing the findings, the researchers found that women were, in general, hetter than men at decoding facial expressions, particularly the emotion of disgust.

What It Means

Don't count on jurors to recognize as a manifestation of your disapproving anger the steely stare you give opposing counsel during his opening (a significant percent of the jury may mistake it for fear). And don't count on them to recognize the righteous indignation on the face of the representative of your corporate client who is sitting at your side.

If you want the jury to understand that you and your client are angered by your opponent's assertions, say so directly.

In a similar vein, don't count on jurors to correctly identify the emotion a witness is experiencing. If you want the jury to know, for example, that a fact witness is sad to be revealing a truth or angered by the behavior he or she is describing, then ask the witness to relate not only the facts but also his or her feelings about them.

Officers 2022

President

John A. Shea, Ann Arbor, MI

President-Elect

Barry W. Beroset, Pensacola, F

Vice-Presidents

Blair Berk, Los Angeles, CA Steven D. Benjamin, Richmond Brian H. Bieber, Miami, FL Jennifer Lukemeyer, Indianapol Roger M. Synenberg, Cleveland

Secretary

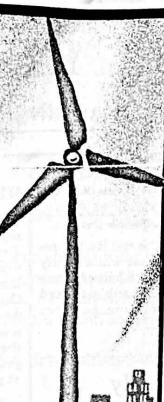
Chuck Watson, Boseman, MT

Treasurer

Jon Paul Rion, Dayton, OH

Immediate Past-President

William W. Swor, Detroit, MI



Board of Governors 2022

Betty Layne DesPortes, Richmond, VA
Mark DeVan, Cleveland, OH
Larry Kazan, Phoenix, AZ
Cynthia Orr, San Antonio, TX
Michael Pancer, San Diego, CA
Margaret Sind Raben, Detroit, MI
Ann Roan, Boulder, CO
Randy Schaffer, Houston, TX
Joel Sogol, Tuscaloosa, AL
James Voyles, Indianapolis, IN
Arthur Weiss, Farmington Hills, MI

The RoundTable

Steve LaCheen, Editor Rita Bognanni, Staff

Future Meetings

July 15-17, 2022: Traverse City, MI - Delamar October 7-10, 2022: Detroit, MI - Cadillac Hotel



The Round oble Steve LaCheen, Editor 1500 Walnut Street, Suite 1205 Philadelphia, PA 19102

or Shonelle:

Your affection is my affliction: Your love burns cold as ice, Your smile's a stab right through my heart, Your touch is paradise. I dream we'll be together I fear we'll never part. Let's vow to end our romance Before the feelings start. Frustrated Freddie

Me and Wade. We found a connection that missed on so many marks: a match made in Neverland or the Land of Misfit Toys. When I told him to stop calling me, he texted. I forwarded the texts to my friend Nathalie, who promised to let me know if his messages got weird. I was literally the only one who was surprised when they got married this summer. What are you gonna do? ~Mel

K, great. I'm trying to reconnect with ou but I can't describe you because Lemme get this straight. The folks e met at the Halloween party and who tried to prevent a black girl from ou were still in full costume when we going to school in 1957 are opposed looked up. You were the only woman to their grandchildren learning about here dressed as "My Pretty Pony," so how they tried to prevent a black opefully you'll be able to recognize girl from going to school in 1957. ourself (I was a Cylon from Battlestar #whenyouputitthatway Galactica). Please contact me! - Adam S No I'm not a brony. LOST ON THE R6! Shipment of

#Truth: It was all fun & games until she had to go check her 4chan feed. BYYYYYE. Lose my number, Eva Braun. @ADL

GET WELL SOON, ZOEY! We miss niffing your butt and also the ground vhere you kick after a good pee. Please ry to take it easy so you will heal fast and be back as soon as possible. Love, the dogs of NW Philly Pack Walk

PAUL D at BUCKETS EF/2001: I was working as a waitress in a cocktail bar, THAT much is true. You sure as hell didn't pick me up and/or turn me around, though - I succeeded because I worked my ass off even though the pay was shit and the manager was all up in my business. Well now maybe I want to get all up in YOUR business. See how you like it. Bitch. Call me. -Shay PS you better still have that

Guys, I found my first gray pubic hair today and I'm freaking out because I did not expect it to be in my Big Mac. #dadjokes

WANTED: Real Love. No experience necessary. Benefits to commensurate with performance. Inquire within. #namastebitchez

fine ass

To the lightly educated neighbor who is blowing leaves off his car with a leaf blower -- IN A WIND STORM: you might want to consider getting a job, just sayin. -- your neighbor of 21+ years.

If anyone knows a John in Roxborough that is writing a novel about dating a girl from East Falls in the early 90's you should know it's TOTALLY FAKE and none of that happened and he's just mad cause I dumped him for a REAL FALLSER!!! ~ Meg PS don't read it no matter what

Western Cultures believe we must be alive for a purpose, ie to work, to make money, to produce. Some indigenous cultures however believe we're alive just as Nature is alive: to be present, to be beautiful and strange. We don't need to achieve anything to be valid in our humanness. @FirstNations

Dear Chip it's not that we mind so much the arctic theme you've chosen for the man cave, but do you have to keep calling it our "Fortress of SolidDude"?? You've scared off three women and at least one potential roommate already, and it's only been three months. Can we please go back to saying it's a guest room? - Doug and

Jimbo PS GO BIRDS!

FIRST DATE IDEA: Dinner at IKEA, followed by a leisurely stroll through , all the different little sample rooms. I'll pick my favorites, you tell me yours. It'll be like we're nesting, but completely theoretical. Great people watching, too. Who's in? ~ Vicks PS Mmmmmeatballs!

When I give to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist. - Archbishop Hélder Câmara (1909 - 1999)

psychedelic toads intended for local

herpetologists who were totally not

party. They're in a green box with

erry (at Temple, let's say)

planning any kind of groovy light-stick

noles on the top. Thanks. ~ Professor

Religion in Schools? I can't understand how Christians can be behind this. If a Muslim wanted it, everyone would be like "Oh no! Sharia law is taking over!" freak out that they're "indoctrinating our kids". But somehow because it's Christianity, it's cool? Makes no sense. #smh in Germantown

Miss Calumet Street: Please give me a second chance! That was just a freak thing that happened, I have no idea how that racoon got in the apartment, let alone how it opened my roommate's nightstand. When it turned on her vibrator and came after us, you could've knocked me over with a feather! I was right behind you, running out the door. That was bananas!! We've since had the exterminator out, and taken every measure to ensure this never happens again. I'd like to think this incident could perhaps even be a bond between us? Will you consider? Call me! ~ Marlin Perkins

Who's the Asshole Here? So I was

up there painting the bannisters for Christmas when this lady walking down the sidewalk -- who I do not recognize by the way - hollers up at me, all pissed about how I'm in a mu-mu, and it's disgusting, and anyone who glances up sees my junk but I'm like Hello, you should never walk under an extended ladder, it's unsafe and also mu-mus are traditionally worn without underwear anyway. Right? ~ leff by the train station #wtah

IN THECIRCUIT COURT OF MOBILE COUNTY,

5/25/2022 5:15 PM
02-CC-2021-000074.00
CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

STATE OF ALABAMA,

٧.

Case No.: CC-2021-00074

JOSEPH BROWN, JR. Defendant.

UNOPPOSED MOTION TO CONTINUE STATUS HEARING

Undersigned counsel for the Defendant, Joseph Brown, Jr. moves this court to continue the status hearing in this case, which is set on May 26, 2022, and as grounds would show the following:

- 1. While it has been a good thing that the COVID plague has receded so that the barbarians waiting at the gates of the courthouse can once again have access to it, it has made the practice of criminal law akin to playing tennis in a phone booth.
- 2. Undersigned has two hearings scheduled on May 26, 2022, at the U. S. Courthouse at 11 AM followed by an emergency bond revocation hearing in Bay Minette for a client who did not realize that marijuana is a controlled substance in the Free State of Baldwin. Once that hearing is completed, undersigned is under orders from the Supreme Commander to hot foot it back to the home fort so that he can get Master Maddox to his swim team practice. Undersigned will be jumping from port to port tomorrow with the frequency of a cheap ham radio and believes it will be near impossible for him to squeeze the Edwards hearing into his schedule.
- Undersigned has discussed this motion with Assistant District Attorney McRae
 Forever Young and she has no objection to it being granted.

Wherefore, premises considered, undersigned counsel prays that this Honorable Court will continue the status hearing to a date convenient to the Court and less stressful to the undersigned.

/s/T. Jefferson Deen, III

T. Jefferson Deen, III (DEE002)