

FELONY TRIALS 2004

FELON IN POSSESSION OF FIREARM, FEDERAL COURT

In a felon in possession of a firearm case in federal district court in St. Paul, my client, who had nine prior felonies, a fact known to the jury, was pulled over for rolling through a stop sign. He is Native American. He was driving a new minivan (a rental) in South Minneapolis near Franklin Avenue. Two juveniles were passengers. Minneapolis police found 6 live .357 caliber rounds in the driver's door handle. Police found a loaded .357 revolver hidden in the console on the front passenger's side of the van. The mandatory sentence was 30 years in prison. My client testified. After a three-day trial, a jury found my client not guilty of all charges on the second day of deliberations.

GANG RAPE OF TWELVE YEAR OLD, RAMSEY COUNTY

In a very disturbing sexual assault of a minor, my client was acquitted of all charges. Ten alleged gang members were accused of sexually assaulting a 12 year old in a house. Two perpetrators testified against my client. My client testified. My client was found not guilty of all charges on the second day of jury deliberations after a five-day trial.

GANG FIGHT AT MALL, HENNEPIN COUNTY

In a trial involving a fight between alleged gang members at a very large mall in Bloomington, an alleged gang member was stabbed in the head with a 10" screwdriver, which was shoved through his head, front-to-back. My client was in the midst of the scuffle. After a five-day trial

and two days of jury deliberations, he was found not guilty of all charges.

SEXUAL ASSAULT, DAKOTA COUNTY

In this case, a female co-worker accused my client, a citizen of Liberia, Africa, of sexually assaulting her. He absconded after the alleged incident and was apprehended eight months later in Pennsylvania. At trial, my client testified. After a four-day jury trial, the jury found my client not guilty of all charges after just 45 minutes of deliberations.

DOUBLE HOMICIDE, HENNEPIN COUNTY

My client shot two men in the back as they fled from a house where my client and some of his friends had gathered after a night on the town. The men had committed a home invasion. After a six-day trial, my client was found guilty of a lesser offense than the original charge of intentional second-degree homicide. The judge granted my client a downward departure at sentencing.

DISMISSALS BEFORE TRIAL

In 2004, I also had narcotics cases dismissed after I made pretrial motions to the judges.

SELECTED TRIALS PRE-2004

MURDER TRIAL, TEN "EYE" WITNESSES, RAMSEY COUNTY

In 1993, a young man was shot in the throat as he stood in the parking lot of a fast food restaurant in St. Paul. He ran across University Avenue and died in the pump area of a

gas station. About 150 people were present in the parking lot. Ten of those testified at the trial. All testified my client had shot the young man. However, after a two-week trial and two days of deliberations, the jury acquitted the defendant of all charges. (This was my first trial as a lawyer in private practice. I had had 11 years of experience, mostly as a NAVY JAGC trial lawyer. When I was hired, I immediately sought help with the case. I went to Bruce H. Hanley. Bruce was my 'mentor.' I had been his law clerk when I attended law school. Bruce is the best lawyer I know. Although my client had little money, Bruce immediately said he would sign on as lead counsel. We divided up the work. At trial, I did the opening statement and half of the witnesses. Bruce did closing argument and half of the witnesses. Our client was acquitted. For this, and for many other things, I am forever grateful to Bruce.)

MURDER/ATTEMPTED MURDER TRIALS, BLACKDUCK, MINNESOTA (ITASCA COUNTY)

In 1994, my client, a retired African American Chicago police officer, who had moved to Blackduck, MN, took his service revolver from his bedside table, placed it on the forehead of his girlfriend, a local white woman, and pulled the trigger. The woman survived. At trial, she testified against my client and showed the jury the hole in her forehead. My client testified, telling the jury that he had acted in self-defense. The jury found my client not guilty of all five counts against him.

In 1996, I was hiking on the island of Kauai. I got a call on my cell phone. It was my client. He was in jail, accused of killing the same woman. She had invaded his home, armed with a .22 caliber rifle. He had shot her five times

with a .44 caliber magnum Ruger. He had shot her once in the hand, three times in the back, and once in the back of the head at point blank range. At trial, my client testified. A jury found my client not guilty of all charges. He testified he had acted in self-defense.

While these results seem shocking, in each case the jury fulfilled their oaths. If the trial transcripts were read, these results would seem reasonable and proper.

SEXUAL ASSAULT OF A CHILD, HENNEPIN COUNTY

In a disturbing case, my client, a citizen of Venezuela, was accused of sexually assaulting an adolescent child, AGED 13. My client was the child's caregiver. The child was able to describe my client's underwear, which was seized by the Plymouth Police Department. My client testified. We waived a jury and tried the case to a judge alone. My client was found not guilty of all charges.

PARENTAL ASSAULT OF CHILD, RAMSEY COUNTY

A teenage daughter accused her father, my client, of severely beating her on a Saturday morning at breakfast. She was taken to the Emergency Room by my client's live-in girlfriend. Police photographed her injuries; bruises and cuts (with scabs over them). Child protective services and a police sergeant interviewed my client. Both the child protective services person and the police officer testified that my client confessed. The daughter testified. My client testified. The jury acquitted him of all charges. Several other girls her own age had beaten the daughter on the school bus on Friday afternoon.

NARCOTICS CONSPIRACY TRIAL, FEDERAL COURT

Four men, three from Cuba, one from Mexico were indicted by the federal grand jury. All four men were on audiotapes speaking of cocaine deliveries. My client, an illegal alien from, Mexico, did not testify. The three Cubans were convicted. My client was the only one found not guilty. After trial he was deported.

NARCOTICS CONSPIRACY TRIAL, FEDERAL COURT

Several men were indicted. All entered pleas of guilty except my client, an illegal alien from Mexico. My client went to trial. He had been paid \$2,500 to drive a van from California to Minnesota. In the van were eight large suitcases. When he arrived in St. Paul, several men came out of a duplex and took the bags upstairs. My client went upstairs to rest and to eat. The men opened up the suitcases. They were filled with cocaine. Several women were weighing and bagging the cocaine. Police raided the home. My client was acquitted by a jury of all charges because there was no proof that he knew what was in the suitcases prior to his delivery of them. My client did not testify. He was not deported. He went back to California to his employment.

DISCLAIMER

My clients have been acquitted in many other trials, narcotics, murder, sex cases. In addition, many cases have been dismissed before trial because search warrants or arrests were improper or statements were taken in violation of rights. My clients have also been convicted

after trial. And, my clients have entered into plea agreements with either federal or state prosecutors because evidence was deemed admissible. Your case, like all cases, is unique. You should not and cannot predict a certain outcome based upon my past cases. Because each case is unique and because the outcome depends on so many variables, I have never and will never predict an outcome. My only promise to you is zealous representation that complies with law and ethics. Your attorney-client relationship with me starts with our signing a two-page retainer agreement that complies with the requirements of the Lawyers Board of Professional Responsibility. Before you retain a criminal defense lawyer, speak to several. Determine in your own mind if a particular lawyer is someone you want you work with, can trust, and who is someone you can contact at any time. My clients call me and email me 24 hours a day, 7 days a week. (Yes, there are times I am not immediately available.) There are many, many excellent lawyers in Minnesota. Choose carefully and use YOUR good judgment. It is not wise to take another person's recommendation. It is not wise to hire a lawyer, for example, because a bail-bonding agent tells you to do so, or a police officer friend tells you to do so. All criminal matters are critical. The relationship is close and intense and you must choose the lawyer YOU feel is the person to represent you in your criminal case. Your reputation and your freedom are at issue.

In Minnesota, in both federal and state court, you will find that the judges are excellent. I have been in courtrooms in federal and state courts, as well as military courts, in many jurisdictions. My experience matches the national reputation of Minnesota judges. They are top-shelf. They

all have the qualities that make for wise decisions. You will be impressed and relieved as you see them work. The prosecutors in Minnesota are uniformly tough, smart, professional and ethical. They are dedicated civil servants doing an exceedingly tough job. The court personnel are extremely skilled, very nice and helpful. You will find a high level of practice in the courts. This will somewhat ease your mind in this stressful time in your life.