

CRIMINAL COURTS BAR ASSOCIATION NEWSLETTER

PUBLISHED BY THE CRIMINAL COURTS BAR ASSOCIATION

January 2015

The Criminal Courts Bar Association
cordially invites you to the

JANUARY DINNER MEETING

with Guest Speaker



RICHARD A. HUTTON
"DUI:
Case Law Update"



Tuesday
January 13, 2015

Cocktails/Reception
6:30 p.m.

Dinner Meeting begins promptly
at 7:00 p.m.
\$40.00 per person

Les Freres Taix Restaurant
1911 Sunset Blvd.
Los Angeles, CA 90026
(Near Alvarado)

1.0 MCLE Credit Approved

Reservations advised.
Call Elizabeth Ferrat at
(626) 577-5005 or email at
criminalcourtsbarassociation@gmail.com.

CCBA WELCOMES RICHARD A. HUTTON

Richard A. Hutton graduated from the University of California at Los Angeles in 1967 with a Bachelor's Degree, and with his law degree from the same university in 1970.

Mr. Hutton is a past President of the Board of Governors of the California Attorneys for Criminal Justice (CACJ), past President of the Los Angeles County Criminal Courts Bar Association, and past President of California DUI Lawyers Association (formerly California Deuce Defenders).

Mr. Hutton is presently a partner in the Pasadena law firm of Hutton & Wilson. During his career, dedicated almost exclusively to criminal law, he has tried over five hundred jury trials. He has been designated as a Certified Criminal Law Specialist by the California State Bar Board of Legal Specialization. Additionally, he has represented various organizations appearing before the California Assembly Legislative Committee in Sacramento, testifying regarding proposed legislation.

In 1991 and 2010, Mr. Hutton received the Jerry Giesler Memorial Award from the Criminal Courts Bar Association. This award recognizes outstanding courtroom abilities.

Mr. Hutton has lectured extensively in the field of criminal law, with emphasis in driving under the influence cases. He has previously taught classes for the U.S.C. Advanced Professionalism Program on the subject of driving under the influence. He has lectured to various bar association groups, including California Attorneys for Criminal Justice, San Diego Trial Lawyers Association, Criminal Courts Bar Association, and Orange County Trial Lawyers. He has authored numerous articles on driving under the influence which have been published in numerous periodicals including Scientific and Expert Evidence, Second Edition.

24th ANNUAL CRIMINAL COURTS BAR ASSOCIATION AND PASADENA BAR ASSOCIATION GOLF TOURNAMENT

The Criminal Courts Bar Association joined with the Pasadena Bar Association to put on our 24th Annual Golf Tournament.

On a beautiful day at the La Canada Flintridge Country Club both associations came together to enjoy a great day of golf followed by our fund-raising auction and raffle.

Thanks go out to the energetic efforts of the Pasadena Bar Association golf committee including Steve Yee, Kimberly Frasca-Delaney, Brandon Carroll, and Kevin Callahan. Thanks go out to our president Michael Goldstein for rallying the troops and participating to the max in both golf and at the auction. Thanks to Robert Wilson for stepping up and helping with the auction.

(Continued on pg. 2)

GOLF TOURNAMENT *continued*

Thanks to all of the sponsors and all of the individuals who donated great gifts for the raffle/auction.

On the course there was heated competition. The winners were:

Low Gross: Honorable Pat Hegarty, Tom Ortiz, Steve Steponovich, and Robert Wilson.

Low Net: Don Ayala, Lane Binder, Patrick McLaughlin, and Rick Santwier.

Low Net (Runner Up): Leonard Levine, Robbie Levine, Scott Witjas and Matt Witjas.

Longest Drive (Men): Tom Ortiz

Longest Drive (Women): Margie Chamberlain

Closest to the Pin (Men): Steve Steponovich

Closest to the Pin (Women): Margie Chamberlain

Thank you to our tee and green sponsors: CourtCall, Law Office of Bruce Richland, Narver Insurance, Law Office of Leonard Levine, Hutton & Wilson, Christie Parker Hale LLP, Bad Boys Bail Bonds, Thon Beck Vanni Callahan & Powell, Law Office of Richard M. Chacon, Sentinel Offender Services, Law Office of Sharon Beth Morris and Law Office of Carey Caruso.

Thank you to those who donated auction items: Kevin Delaney, Christie Parker Hale LLP, Pasadena Bar Association, ForensisGroup, Kimberly Frasca-Delaney, Hutton & Wilson, Brandon Carroll, Bad Boys Bail Bonds, Rickard Santwier, Patrick McLaughlin, Donald & Maria Schweitzer, Dean G. Rallis Jr., Z Parking, Law Office of Michael Goldstein, Criminal Courts Bar Association, and La Canada Flintridge Country Club.

See you next year for the 25th Annual Golf Tournament.

IN THE TRENCHES

Congratulations to Aron Laub for his success in People vs. Luis Subia. This was a retrial before the Honorable Stephen Marcus in Department 102. In the previous trial the codefendant had been convicted and the jury was hung 9-3 for guilt as to Mr. Subia. The retrial lasted a little over two weeks and the jury deliberated for two and a half hours. They returned a not guilty on one count of first degree murder.

The murder charge arose from a case in 2007 and Mr. Subia and the codefendant were arrested in 2009. There were multiple informant witnesses. A task force had been established to put the case together, including over 40,000 wiretap phone calls. Mr. Laub did a masterful job of cross examining the informant witnesses, using conflicting statements from interviews and at the prior trial.

Mr. Laub also credits the work of his investigator, Robert Royce, who after repeatedly being told that a key witness was not able to be located by the police with all of their resources was in fact found by Mr. Royce.

In an interesting twist the foreman from the first jury that was hung 9-3 communicated to the District Attorney and offered advice as to how to prepare for the retrial in order to gain a conviction. In another twist, several of the witnesses testified that they no longer had a clear memory of the events because they were meth users at the time they made their observations. Apparently, several of the members of the jury used their own meth experiences and came to the conclusion that meth did not affect their own memories.

Congratulations to past Jerry Giesler Trial Lawyer of the Year award winner Donald Calabria for his success in a first degree murder trial before the Honorable Robert Perry in Department 104. This case was

IN THE TRENCHES *continued*

a retrial that had previously taken over six weeks to try. Before Judge Perry the case took eight days in trial with a half a day of deliberations before the jury returned a verdict of not guilty on one count of first degree murder with gang and gun allegations.

Mr. Calabria's client was charged with other defendants with killing an enemy gang member. The defendant was seen by surveillance cameras riding a bicycle in the direction of where the murder occurred and riding a bicycle on the way back from the scene where the murder occurred. Before trial the third defendant was given a deal to testify for the prosecution and Mr. Calabria was able to expertly cross examine that defendant/witness who provided the information that Mr. Calabria was able to argue to the jury that resulted in the not guilty.

Mr. Calabria has high praise for Judge Perry in the way he conducts his courtroom and for his investigator, Frank Mackey, who did excellent investigative work.

Congratulations to Edward Murphy who is the oldest practicing attorney member of the ICDA.

Mr. Murphy received his bachelor's degree in civil engineering from Villanova University in 1958 and his doctorate in law from Villanova in 1961. He has been in private practice handling divorce, personal injury, criminal, tax and business cases. From 1962 to 1965 he served as a judge advocate in the United States Air Force where he prosecuted and defended over 40 general and special courts marshal, advised commanders on military justice matters, officially observed prosecutions of U.S. citizens in foreign countries and sat as a judge in summary courts marshal. While on active duty he also taught military law part time for the University of Maryland in Japan.

Mr. Murphy has worked for large businesses and from 1970 to 1972 he was an attorney with Jones and Wilson, a law firm in Los Angeles. He was a public defender from 1972 to 1977 in the Santa Barbara Public Defender's Office where he represented over 1,500 defendants and tried over 30 jury trials.

In an interesting turn of careers he returned to Los Angeles in 1978 to pursue a career as a featured film director. He wrote and directed "Raw Force" for Dimension pictures in 1982, "Heated Vengeance" for Fries Entertainment in 1985, and "Trapper County War" for Noble Entertainment in 1988.

Lucky for the defense bar, in 1988 Mr. Murphy resumed practicing law in Los Angeles and has continued to accept cases from the ICDA. He is a member of the California and Pennsylvania Bars.

In his 49 years of practicing Mr. Murphy has had an outstanding career. He contributes to seminars for the ICDA and he is always helpful with other attorneys, brainstorming cases, offering advice, and providing case law materials. He is a credit to the criminal defense bar.



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PETER KNECHT (1936 - 2014)

Longtime criminal defense attorney Peter Knecht passed away recently after a long struggle with cancer. Knecht was at one time one of the most high profile criminal defense attorneys in town with a Hollywood A-List stable of clients and was a darling of the news and entertainment media. Born in Vienna at a time when Nazi Germany was beginning to spread its tentacles throughout Europe, Knecht's family was able to flee the country and seek refuge in America. According to Knecht's account, as reflected in a book about his career that will be published posthumously, it was his family's terrifying experiences in Austria that inspired his passion to safeguard the rights of his clients. It is indisputable that Knecht was smart, adept in plea negotiations through exposing the flaws in the prosecution case, and when pushed to the wall effective in trial.

He began his career as a Deputy District Attorney but it was evident he had no designs on being a career prosecutor; by the time he became Deputy-In-Charge of the Beverly Hills office it was obvious he was just counting the days before making the plunge into private practice. When he did so he began working with the legendary Harry Weiss and his high volume practice. Knecht hit the ground running and in an era of felony prosecution of marijuana cases and the zenith of defense-friendly search and seizure law, Knecht became one of the foremost go-to guys for celebrities and the sons and daughter of affluent doctors, lawyers, and other professionals. To be sure Knecht was not without his detractors. A profile of Knecht in the now defunct New West Magazine depicted an inflated sense of self-importance and suggested that he got better results on cases from judges by contributing to not only to the judge's campaigns but also to their favorite charities. Many in the defense bar were irate; one of them, John Meyers, was particularly enraged and fired off a letter to Knecht accusing him of disparaging the integrity of the defense bar.

Known for adorning his tailored suits with cowboy boots, Knecht was ostentatious about the material rewards of his professional success; he not only drove a Rolls-Royce but regularly wore expensive jewelry in court. Apparently at least one of his clients was paying attention. In 1998 an event occurred in which Knecht nearly sacrificed his life to protect his family. A former client devised a scheme to hire a couple of thugs to follow Knecht home, then conduct a home invasion robbery, with the expectation that a cache of riches awaited the robbers inside. When Knecht pulled into the garage leading to his mother's home, which was next door to his own residence, he was confronted by the thugs who after taking a \$35,000 ring, a Rolex, and several thousand dollars in cash, demanded entry into the home. Knecht refused, telling the robbers, according to his trial testimony, "Gentlemen, it ends here." One of the perpetrators then slashed Knecht's neck with a knife from ear to ear. Miraculously Knecht survived the vicious attack and returned to the practice of criminal defense for another decade. The perpetrators and the mastermind were all apprehended and prosecuted. The mastermind and the slasher received life sentences, and one of the accomplices made a deal to testify and received 12 years.

Two other veteran defense attorneys, **Joseph Vodnoy** and **Ben Pesta** have also recently passed away. Vodnoy was a charismatic, elegant figure who successfully handled a number of high profile drug cases in State and Federal cases, and well regarded by prosecutors and colleagues alike.

Pesta was a true Renaissance man, a person of many talents and interests who in addition to being an outstanding trial attorney worked as a journalist in New York for a decade and served as a United States Air Force deputy Judge Advocate. He was a gifted writer who wrote book reviews for the State Bar publication California Lawyer, and was as proficient quoting from Shakespeare as he was from the Penal Code. Low-key by nature with a dry wit, Pesta operated somewhat under the radar in the criminal justice system although he handled several high profile cases including the trial of former Compton Mayor Omar Bradley, who was convicted of misappropriating public funds. (The conviction was later reversed on appeal.) According to George Bird, one of his co-counsel on the Bradley case, Pesta's work on the case was exceptional in every respect notwithstanding the verdict.

CCBA MEMBERSHIP

You are hereby cordially invited to join or renew your membership in the Criminal Courts Bar Association. The first meeting of the Criminal Courts Bar Association took place in 1954 at the old Levy's Restaurant located on Spring Street in downtown Los Angeles. Among the founders and active practitioners who helped form our organization were Al Matthews, Abbot Bernay, Max Solomon, John Marshall, Forrest Appell, Dick Erwin, Harold Ackerman, Joe Rosen, Maury Lavine, and Al Garber. Jerry Giesler actively participated in the organization in its initial stages and he was the only president to serve two terms.

The Articles of Incorporation state that "the specific and primary purpose of this corporation is to form a professional association of attorneys actively engaged in the practice of law who are dedicated to upholding and improving the standards for the administration of justice."

Quoting our revered past president, James G. Cooney, "since the beginning that statement of purpose has been and is the reason for our existence. Our association will grow in size, strength, and respect only to the extent permitted by the force, vigor, and diligence generated by the membership."

These are among the many reasons to join the Criminal Courts Bar Association:

- Networking opportunities through our monthly dinner meeting and social events.
- MCLE credits.
- Newsletter: Keeping you up-to-date with current case law and events of importance.
- Charitable opportunities through our fundraising, golf tournament, and annual clothing drive.
- Annual Awards Dinner where the best and brightest of our profession are honored.
- Lend your voice to the other professionals who make a difference in the criminal justice system.
- Be a part of the history and tradition of the Criminal Courts Bar Association.


JOIN. COMMIT. ENGAGE.



CRIMINAL COURTS BAR ASSOCIATION

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SAVE THE DATE

*CCBA Dinner Meeting will be held on
January 13, 2015, at Taix Restaurant.*

The featured dinner speaker will be

Richard A. Hutton,

"DUI: Case Law Update."