

## Celebrities, Convictions and Punishment,

It's is a bad time to get in trouble with the law, if you area celebrity. First we had Michael Vick plead guilty to dog fighting in Federal Court, but that wasn't enough. Now he is being charged in Virginia for dog fighting in a separate proceeding. He was indicted on one count of beating or killing or causing dogs to fight other dogs and one count of engaging in or promoting dog fighting. Each count is a felony, punishable by up to five years in prison. I would to give the guy a break because he is now a Federal Felon and most likely will do time in a federal penitentiary. (OK It probably will be Club Fed where he can learn to cook or something like that!) But he is his own worst enemy.

It couldn't get worse you say! Wrong again moose breath. It ain't over 'til its over. Thursday September 27<sup>t</sup>, in Richmond Va. He <http://sports.espn.go.com/nfl/players/profile?statsId=5448> The disgraced Atlanta Falcons and <http://sports.espn.go.com/nfl/clubhouse?team=atl>quarterback tested positive for marijuana earlier this month, a violation of the conditions of his release as he awaits sentencing in federal court on a dog fighting charge that already jeopardizes his freedom and career. I doubt the NFL will ever let him play again.

Now, he's incurred the ire of the judge who could sentence him to up to five years in prison in the dog fighting case. On the day of Vick's guilty plea, U.S. District Judge Henry Hudson warned that he wouldn't be amused by any additional trouble. Be careful Michael, you are now probably one misstep from jail. Maybe he should lock himself in his house and just order take out food!

Of course we've all heard about OJ. It's interesting He gets 125K bail for 10 counts and I have a client that is charged with 1 count in Lander County who has a \$500K bail. ( I know, it is a nasty offense, but my client has about as much chance of making that bail as I do of flying to the moon.

Now Warren Jeffs our second Favorite polygamist, (You do watch Big Love on HBO don't you?) is convicted. He is the leader of a polygamous Mormon splinter group and was convicted Tuesday September 25<sup>th</sup> of being an accomplice to rape for performing a wedding between a 19-year-old man and a 14-year-old girl. He could get life in prison after a trial that threw a spotlight on a renegade community along the Arizona-Utah line where as many as 10,000 of Jeffs' followers practice plural marriage and revere him as a mighty prophet with dominion over their salvation

One of Las Vegas' own great Defense Attorneys, Rick Wright, was one of his lawyers. But as I always say, you can't make the facts! I don't know about you but I think 1 wife is enough! (Ok honey it's because all of my energy is spent worshipping you and I obviously couldn't imagine another woman!)

While polygamy (By the way did you know that St Pauli Girl has a beer called Polygamy Porter, I'm not making this up, they unveiled it at the Winter Olympics in Salt Lake City!) itself was not on trial — the couple was monogamous — the case focused attention on the practice of polygamy in Utah, where it has generally been tolerated in the half-century since a government

raid in 1953 proved a public relations disaster, with children photographed being torn from their mothers' arms.

Jeffs succeeded his father in 2002 as president of the Fundamentalist Church of Jesus Christ of Latter Day Saints. Former members say he rules with an iron fist, demanding perfect obedience from followers and exercising the right to arrange marriages as well as break them up and assign new spouses.

Jeffs is also charged in Arizona with being an accomplice to both incest and sexual misconduct with a minor for arranging marriages between two underage girls and relatives of theirs. In addition, Jeffs is under federal indictment in Utah on charges of fleeing to avoid prosecution. It certainly has not been one of his better years.

Now we have some fallout for one of his faithful. Prosecutors filed a rape charge Wednesday September 26<sup>th</sup> against the ex-husband whose arranged marriage led to the conviction of polygamous-sect leader. The charge came a day after Jeffs was found guilty of rape by accomplice for his role in the 2001 religious union of a 14-year-old girl and her first cousin, Alan Glade Steel who was 19 at the time.

Steed, 26, is accused of having sex with the girl against her will after the marriage. Despite warnings that his testimony could be used against him. (He should have listened .to his lawyer!) Steed was a trial witness for Jeffs) He was standing so jurors could hear his soft voice and crying when he recalled periods of his 3 1/2-year relationship with the girl.

He said he believed marrying the teen in a Nevada motel (at least it wasn't a drive thru wedding chapel) was right under "God's law." Well I don't think God will be defending him. Under Utah law, a 14-year-old can consent to sex in some circumstances. But sex is not considered consensual if a person under 18 is enticed by someone at least three years older. It reminds me of the Jim Croce song, 5 short minutes of Lovin' will get you 25 years in jail. (One great line was "When I get out of this prison, I'm going to be 45, I'll still know how to do it, but I won't remember why!").

Former heavyweight champion Mike Tyson pleaded guilty Monday in Mesa, Ariz., to charges of drug possession and driving under the influence stemming from a traffic stop last year as he was leaving a nightclub. He pleaded guilty to one felony count of cocaine possession and a misdemeanor DUI count and faces up to four years and three months in prison when sentenced Nov. 19. A felony charge of possession of drug paraphernalia and a second misdemeanor DUI charge were dropped. How much more self destructive and he be?

He earned over 300 **MILLION** dollars and then declared bankruptcy. It's my understanding that he was 54 million in the red. But then again when he was living high on the hog and had the huge entourage, I heard he hired someone for \$100,000 to walk behind him and say "You da man" and similar uplifting affirmations. Truth is stranger than fiction.

But record producer Phil Spector the inventor of the wall of sound for the 60's groups like the Shirelles, Will walk out the courtroom a free man for now. His murder trial ended in a mistrial

Wednesday September 26<sup>th</sup> because of a jury deadlock. The jurors could not reach a verdict.

The mistrial came on the 12th day of deliberations on whether Spector murdered actress Lana Clarkson more than 4 1/2 years ago Clarkson was best known as the star of Roger Corman's 1985 cult film "Barbarian Queen." The nine-man, three-woman panel had heard about five months of testimony. The foreman reported the panel was deadlocked 10-2 but did not indicate which way they were leaning. The prosecution will retry this case. We'll see what will happen next time.

On a totally unrelated note. Presidential candidate Bill Richardson said " you know something is wrong when the New England Patriots face stiffer penalties for spying on innocent Americans than Dick Cheney and George Bush" Too bad NFL Commissioner Roger Goodell, couldn't discipline them. I wonder who would be their forfeited first draft choice. Maybe he wouldn't let Florida Governor Jeb Bush run for President?

My antipathy to the Patriot act is well known. On Wednesday Sept26th U.S. District Judge Ann Aiken struck down one of the real. Two provisions of the USA Patriot Act are unconstitutional because they allow search warrants to be issued without a showing of probable cause, a federal judge ruled Wednesday. "For over 200 years, this Nation has adhered to the rule of law — with unparalleled success. A shift to a Nation based on extra-constitutional authority is prohibited, as well as ill-advised," she wrote.

She ruled that the Foreign Intelligence Surveillance Act, as amended by the Patriot Act, "now permits the executive branch of government to conduct surveillance and searches of American citizens without satisfying the probable cause requirements of the Fourth Amendment. I'm glad that some judge's still want to protect our citizen's from the over reaching over intrusive and unconstitutional searches She .has upheld both the tradition of judicial independence, and our nation's most cherished principle of the right to be secure in one's own home.

There are some new DUI laws in Nevada that goes into effect on October 1<sup>st</sup>. One is known as the "social host" bill. It opens the door to civil litigation to those that knowingly supply alcohol or a teen that gets into a vehicle accident ( I wonder what would happen if he shot someone?) A teen throwing a party at his parents' house also may be held liable if a fellow party-goer gets into an accident.

Senate Bill 35 allows that witnesses in DUI offenses will be able to testify or submit affidavit via videotape for certain proceedings. I believe this is unconstitutional and violates the Right of Confrontation. I'm sure someone will challenge the constitutionality of this law. Under Assembly Bill 8 people who are arrested for DUI will have to stay in jail for 12 hours before being released. This is to insure that the blood alcohol level of the arrestees will be under the legal limit of .08 when they are released.

I previously had a client that could have benefited from this law. He was released in a few hours for a Dui and then was charged with another one 2 hours after his release from jail. The police found him sitting in his car outside the house of his estranged wife. drinking a beer. The good news is we were able to beat the 2<sup>nd</sup> Dui. The bad news is that He violated a protective order. He

was having a bad day! Well that's it for now.

Cya Mace

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