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Shout Outs

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Tip of the hat to Mark Griffith of Waxahachie for the big NG in a Continuous Sexual Abuse of a Child trial?in which, he says, the judge let the entire CAC video in. Mark sought permission in jury selection to go hard after the truth . . . and did. In cross, he caught CW in three major lies, so nothing rang true. First vote found the jurors voting 11 to 1 not guilty (one of whom had a friend molested as a kid). In a wild and crazy trial, Mark once again prevailed, and we salute you for the hard work done by you and your associates.

Congratulations also go out to Ashkan Mehryari of Richardson and Mark Lassiter of Dallas for their recent win in an intoxication manslaughter case. D, who spent 475 days in jail, maintained throughout that she wasn't driving when the accident occurred. A trial in December resulted in a mistrial (10?2 for acquittal), and the DA retried. Ash-kan argued that the only evidence was questionable eyewitness testimony. A bloodstain on the driver seat was never tested, and D had no open wounds. They also found records relating to the crash wherein a nurse heard a second involved party telling his mother on the phone that he was driving?exculpatory evidence they say that was withheld. Excellent work in fighting for your client, guys.

Shout out to Jeff Bell of Texarkana for his win in the Fifth District Court in Cass County?in his first felony criminal trial. D was charged with Evading Arrest Detention w/Vehicle, Felony 3rd, and three misdemeanor charges of DWLS, Evading, and Resisting. Just two of his myriad priors had him facing 25 to 99. Jeff says the judge rulings managed to exclude priors and extraneous offenses, and a Motion to Sever meant he tried only the felony. Jeff graciously credited listserve help from such notables as ?David Potter, Bart Craytor, Josh Potter, Gary Albertson, Corky Stovall, Bryan Simmons, and many others.? Congratulations, Jeff, on the first of many wins.

Ex-prez Gerry Goldstein sent out a shout out to SDR Editor (and listserve docent) Michael Mowla of Cedar Hill following one of his recent responses: "I want to express what many, including me, have often said, and we all continue to think: A big thank you to Michael Mowla for his remarkable, selfless, and tireless efforts to make us all look smart. Thank you!" And a concurring opinion was expressed by Don Haslam Jr.: "No kidding, Mr. Goldstein. I've been thinking the same. I'm going to look well-prepared when my ADA tries to scuttle this 404b hearing this week, thanks to Mowla. And my record is going to look better." And Terrence Marsh piled on the praise: "As a new lawyer I always learn new things from Mr. Mowla's posts. He's always dropping pearls of wisdom, and I can't thank him enough."

And speaking of Monsieur Mowla, he and Michael Price II of Plano were granted relief in May on claims of actual innocence and false evidence. Michael M. drafted the writ but Michael P. was the original lawyer and pitched in at the writ hearing. Michael M. cross-examined the police and complainant's parents, and Michael P. questioned the complainant. The case, a charge of Injury to a Child and Sexual Assault of a Child, was based on the testimony of a young lady who later recanted and said as much in a letter to the judge. Fortunately, the judge followed the letter of the law and did the right thing. Congratulations to the Mighty Michaels, a pair that beats three of a kind.

Hat tip to TCDLA members Bob Jarvis of Sherman and Lance Sloves of Dallas (from Computer Forensic Services Inc.) for their big NG on a charge of 9 counts of possession of child porn. It seems a large volume of child porn had been downloaded to an IP address that was linked to D's residence. Bob said that other people lived in the home and would share a computer so it couldn't be proven D downloaded the images. He said: "There was also a relative that basically lived on the couch and he didn't have a job. He was always on this laptop, and we found out he is a sex offender." Congrats on saving a man's life, guys.

A big shout out to Gerry Morris of Austin, former president of TCDLA as well as NACDL, and co-counsel Angelica Cogliano (also of Austin). The case involved an Ethiopian man seeking asylum who was accused of three first-degree-felony counts for assaulting a public servant. Gerry said the D never threatened the officers and had picked up a knife to protect himself after an intruder had broken into his home earlier and assaulted him. Neighbors heard the ruckus and called the police to D's apartment. The jury needed just 30 minutes to return a not guilty verdict. D, who has been living here for two years and was accompanied by friends and family, collapsed when the verdict was read. Way to go, team, on this beautiful win.

Shout out to George Laughrun II of Charlotte, NC who's been an out-of-state member since 2013. He defended the former quarterback on the local college football team, charged with 3 counts of rape and another on a felony sex offense. After a 2-week trial, the jury deliberated for approximately 2½ days and came back with the big NG. George says they hired a forensic expert who managed to get access to the alleged victim's cell phone—numerous text messages she sent to her girlfriends seem to indicate that a rape didn't happen. They also hired a SANE expert to counter the State's medical testimony. Good work, George, and a highly charged case.

George also had a shout out of his own: "Thank you for allowing out-of-state members to be a part of TCDLA. As I have said many times to the support staff you have, the TCDLA is extremely well organized, and the North Carolina defense lawyers are 'jealous' of how well organized and funded TCDLA is."

Butch Bradt sent a shout out to Oscar Rene Flores of Edinburg for his recent success in a capital murder case that's been pending for two years (with the trial in the near future). "Judge signed an order for Rene to be paid \$30,000 for work already done and another order requiring payment of his experts' fees. Response from the county judge and county auditor was, "Too bad, the County doesn't have the money and cannot pay these fees." Even went so far as to say that the PD Office would be substituted in to represent Rene's client. Rene was faced with the prospect of trying the case, pro bono, without experts.

"Rene filed a motion to dismiss for interfering with his representation, alleging that the DA was a co-conspirator in this scheme. He also filed a motion to have the County Judge and County Auditor held in contempt for not obeying the order to pay fees."

??DA showed up without his file and without any witnesses, telling the judge that they expected Rene to just withdraw. Judge found the county judge and county auditor in contempt, ordering an additional \$150,000 to be deposited in Rene?s trust account to prevent a repeat failure to pay. Judge went on to say that if the money was not paid by May 30, he would dismiss the case for the county / state?s interference with the defendant?s 6th Amendment rights.? Go get ?em, Rene!

Kudos to Benson Varghese of Fort Worth, named 2019 Outstanding Young Lawyer of Tarrant County by the Tarrant County Young Lawyers Association (TCYLA). Benson also serves as an officer on the Board of the Tarrant County Criminal Defense Lawyers Association and is a supporter of a number of philanthropic and nonprofit organizations, including Tarrant County Volunteer Services (TVAS), Habitat for Humanity, WORTH, Rotary Club of Fort Worth, and the Fort Worth Museum of Science and History. Last year, Varghese Summersett was honored with the 2018 Law Firm Pro Bono Award by TVAS for the firm?s work assisting indigent clients, and last month the firm again awarded scholarships to students with autism and Down syndrome, an annual cause established in honor of two of the firm?s senior attorneys who have children with special needs. Congratulations, Benson, for this well-deserved honor.

Kudos to TCDLA Board member Phil Baker of La Grange for his two big wins recently at the Fayette County Court-house. The first, a DWI with Accident & .12 BAC, was reduced to Obstruction of a Highway. The second, a DWI II with Accident & .14 Breath Test (a repeat customer), also reduced to Obstruction of a Highway?with the first DWI dismissed. Congratulations, Phil, on a job well done.



TCDLA stalwart Gary Udashen, president of the Innocence Project of Texas, and Nina Morrison, an attorney with the Innocence Project in New York, celebrate with Dennis Allen and Stanley Mozee, who hold the paperwork that proclaimed them actually innocent in a 1999 murder after nearly 15 years in prison. In 2018 the Texas Criminal Court of Appeals ruled that the prosecutor in the case withheld exculpatory evidence, and DNA testing excluded them as the perpetrators. The cases were first reopened 10 years ago by DA Craig Watkins, whose successors—Susan Hawk, Faith Johnson, and John Creuzot—all worked on the case. All four, two of whom were Democrats and two Republicans, supported the finding. Gary and Nina say that exonerations would never have happened without the openness of the DA's office. They urged other district attorneys around the country to follow the example set by Dallas and these four. Dennis and Stanley "thanked God, their attorneys with the Innocence Project of Texas and New York, and District Attorney John Creuzot."



United We Stand

Strike Force Co-Chairs Nicole DeBorde Hochglaube and Reagan Wynn have seen their troops venture far and wide in the past month. And nowhere were they more effective than in East Texas, where the Strike Force appeared on behalf of one of our members. The hearing was a post-conviction, post-sentencing affair that the trial court had set after allegations were made by the prosecution that the lawyer had tampered with a subpoenaed complaining witness—who failed to show up at guilt/innocence but turned up to testify at punishment testifying on behalf of the defendant, recanting her statements to the police. The witness stated on direct and cross that she had had no contact with the defense attorney prior to her appearance in court.

The State insisted that the Court convene a hearing to allow them to make a record as to their suggestions of misconduct by the lawyer.

The call went out, and some 25 East Texas members showed up on short notice, led by David Moore and Bobby Mims. Details of this action can be read in the Transcripts area in the members-only section of the website.

As Nicole noted: "This is the FOURTH Strike Force matter this week. So many amazing TCDLA members to thank . . . We probably had over 100 members show up for matters this week across Texas. Thanks Bobby Mims, David Moore, Heather Barbieri, Kristin Brown, Grant Scheiner, Mark Bennett, Stan Schnieder, Robb Fickman, David Ryan, and many many more. You are what makes the government think twice."

Another Strike Force action was detailed by State Bar President-Elect (and Ethics Committee member) Larry McDougal, who wrote: "I have never been as proud to be a member of the TCDLA Strike Force as I was today. Lee Duane Cox and I both received a subpoena for documents from our file . . . They wanted us to testify adversely against our client. Being a member of the TCDLA Strike Force, I called Nicole Hochglaube.

"Nicole and Grant Scheiner from the Strike Force along with about 10 other lawyers appeared to represent us. From the start, Nicole stood up and told the court that we would not testify or provide documents. Once the dust settled, [the judge] quashed the subpoenas, issued a protective order so they could not subpoena us again, and then awarded TCDLA/HCCLA \$2,000 in attorney fees.

"Nicole and Grant were BAD ASS today."

One could argue persuasively that the listserve—with its readily available assistance and advice from the pros—is the preeminent benefit of TCDLA membership. Or maybe the myriad benefits available on the TCDLA website, the discounts, the camaraderie . . . But when the forces of the state are mustered to abuse or intimidate even the least of our members, it's the Strike Force that will stand united to protect what's right and just.

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Stephanie M. Alvarado and Ronald Yeates II received their DWI Warrior certificates, awarded to those who attend five TCDLA DWI seminars in two years, from President Mark Snodgrass during the 12th Annual DWI Defense Project seminar in Richardson in May.

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