

More Strange Moments at the Courthouse

Contributed by John Browning
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As regular readers of "Legally Speaking" know, the courthouse is not always a solemn place where matters of great import are considered by Solomonic judges and argued by zealous advocates. It is also a place with its own "Twilight Zone" moments, as the following examples illustrate.

Do As I Do, Not as I Say

Criminal defense attorney Bill Whitaker recently had one of those "Wanna get away?" moments you see in Southwest Airlines commercials. During closing argument in federal court in Akron, Ohio, Whitaker seemed to forget his role on behalf of defendant Jimmy Dimora, who stood accused of corruption and criminal conspiracy charges in a case involving huge amounts of alleged kickbacks paid to Ohio government officials. Whitaker confidently told the jury he expected a verdict of "guilty" on each and every one of the counts. The defense lawyer realized his mistake after he returned to the counsel's table where his client was sitting, at which point he promptly turned to the jury and said, "I mean, not guilty." Too bad trials aren't conducted using playground rules, and you can't just blurt out "Do over!"

What Not to Do During a Boring Trial, Part 1

There are lots of people who waste time at work on the Internet. Some, I've heard, actually will go so far as to watch porn sites. But one place where this exercise in bad judgment gets even worse is if your job is that of a court clerk, and that particular day at work involves a rape trial. 54 year-old London court clerk Debasish Majumder has worked for years at his court, but in December 2011 he became, by his own admission, "bored." Unfortunately for Majumder, this boredom overcame him during a rape trial, and he was caught surfing porn sites during witness testimony, only to be caught by the judge (who later reported the clerk to authorities). Police found "child pornography and other extreme images" on Majumder's home computer. The clerk will now have to stave off boredom in a jail cell, after being charged and pleading guilty to misconduct in public office and possession of indecent images.

What Not to Do During a Boring Trial, Part 2

In February, a Texas special education officer resigned after being caught on camera sleeping during a due process proceeding brought by the parents of a special needs student against the Keller Independent School District. During the 3-day long hearing, special education judge Larry Craddock allegedly slept for extended periods of time. Attorneys and the child's parents say that they "dropped water bottles," tried coughing and shuffling books in futile attempts to wake up the sleeping hearing officer, who resigned after being told they also caught him on video with cell phone cameras. While Craddock blames the episode on "medication," it turns out this judge is no stranger to catching a few winks on the job. In a 2006 grievance filed against Craddock in a Houston-area family, he was accused of falling asleep 15 times during their due process hearing.

What You Draw Can and Will Be Held Against You

If you're going to commit a crime, but have a habit of doodling, you may want to reconsider. In Oregon, an appellate court recently upheld the conviction of a man whose cartoon drawing depicting a holdup scene was used as evidence against him. Ariel Jasso was on trial in 2009 for the robbery of a marijuana dealer with several others. Although Jasso denied taking part in the robbery, responding police found (on a school paper in Jasso's backpack) a carton showing a gunman demanding "jewelry" from a frightened-looking woman. Reasoning that the doodle pointed to greater involvement in the crime than Jasso would admit, the trial court admitted it as evidence and the appellate court agreed that the judge was right to do so. Jasso's defense attorney tried to dismiss it as just "a doodle in a notebook," but later admitted it "was a pretty damning piece of evidence."

If We Can't Have Coconuts, the Terrorists Win

A courthouse deputy at the Frederick County (Maryland) Courthouse spotted an unusual object next to one of the courthouse columns on March 7, 2012: a coconut. He alerted other authorities to the suspicious food item, and the sheriff's office, police department, fire and rescue personnel, and the Maryland State Fire Marshal's Bomb Squad all responded, and the courthouse was evacuated. The coconut was later determined to be "safe." Another triumph of taxpayer dollars at work!

The "Too Much Sex" Lawsuit

A New York woman, Lindsay Blankmeyer, has filed a federal lawsuit against her former college, Stonehill College of Boston, Massachusetts, alleging that the administrators at the Catholic school didn't do enough to keep her

roommate from having too much sex. Blankmeyer claims that her roommate was constantly having sex with her boyfriend or engaging in "sexually inappropriate video chatting" with him while Blankmeyer was in the room. She alleges that though she tried to persuade school officials to either move the randy roommate or find Blankmeyer a different room, Stonehill College administrators took no action. Blankmeyer maintains that the situation caused her to fall "into a dark and suicidal depression" resulting in a leave of absence from school as well as "extensive psychiatric and medical treatment." A Stonehill College spokesperson denies the allegations.

Turn Off Your Cellphone, Even If You Don't Have One

Finally, we have police charges only Franz Kafka could love. A man in Winnipeg in Manitoba, Canada was pulled over by police on March 2, 2012, and issued a \$199.80 ticket for violating an ordinance against talking on a cellphone while driving. There's just one problem: neither the man nor his wife were carrying—or even own—a cell phone! He begged the police to search the car, reportedly telling them he couldn't have been talking on an imaginary cellphone. But that didn't stop the police from issuing the ticket anyway. The driver even tried reporting the incident to the local police department, but was just laughed at, leaving him with only one choice: fight the ticket in court.