In The Trenches

(Continued from page 2)

Before the retrial an offer of second degree murder was made to the 64 year old defendant with a promise of a letter to the parole board and personal appearance by the District Attorney at the parole hearing recommending his parole. The defendant turned down their offer.

During the people's presentation the main witness came to court and went through an emotional melt down prior to being called. The prosecution dismissed the case, and Judge Ohta immediately released the defendant.

Congratulations to FELIPE PLASCENCIA for his recent victories. In a trial before Judge Beigs in Inglewood Mr. Plascencia represented an eye surgeon who hit three parked cars and during his FST's CHP officers saw a crack pipe in his rear pocket. The defendant threw the crack pipe to the ground where it was recovered, tested, and came back positive for cocaine. The FST's were conducted by the arresting CHP and the DRE. The DRE concluded that the doctor was under the influence of cocaine, heroine, and marijuana. After two and half weeks of trial and two and half hours of deliberations the defendant was found not guilty of DUI/ Drugs, under the influence of drugs, and possession of drug paraphernalia. The defense expert was Dr. Trueting.

In a trial before Judge Escobedo in Alhambra Mr. Plascencia represented a defendant who was in a Porsche racing his friend in an Acura. Police saw the two racing and paced them at 75 mph in a 35 mph zone. The officers stopped both drivers and arrested them for DUI after failing all of their FST's. The defendant blew a .11/.10. After one and half weeks of trial and one day of deliberations the defendant was found not guilty of Penal Code 23152(B) (.08 and over) and hung on 23152(A) (10-2 for NG). The case as dismissed.

The defense expert was Darryl Clardy and the prosecution expert was Ed Barley.

Congratulations to ALLEN EISNER and DMITRI GOREN for their success in a case tried before the Honorable Michael Latin.

Mr. Eisner and Mr. Goren represented a 21 year old man who had a history of mental illness (schizophrenia/bipolar disorder) who was living in his parents house. He apparently enjoyed frequenting topless bars. The defendant also had a recent history of being unable to keep his meds down. While frequenting a topless club he thought he was going to be killed so he sliced the throat of a man he thought was about to attack him. Five doctors, including, Dr. Romanoff, Dr. Nancy Kaiser Boyd, Dr. Jaffee, and Dr. Sharma found the defendant to be NGI. The prosecution decided to proceed to trial.

Mr. Eisner and Mr. Goren employed Kathy Kellerman as a jury consultant. The guilt phase took two weeks to try and after two days of deliberations the defendant was found guilty of first degree murder. The sanity phase took three days to try and after three and half hours of deliberations the jury returned a verdict of NGI.

Congratulations to THOMAS A. MESEREAU, JR., who is the recipient of the National Bar Association and Allstate Sankofa Award at the 83rd Annual Convention in Houston, Texas.

Sankofa derives from the Akan People from West Africa that today reside in Ghana and the Ivory Coast.

The Sankofa represents the old Africa adage "always remember the past for therein lies the future."

Mr. Mesereau is honored for his legal leadership and excellence.

Congratulations to EDWARD MIZRAHI, SETH MAMETH, SIMON AVAL, and RUCHI GUPTA for their success in People v. Gustavo Jaramillo, Gerardo Jaramillo, Juan Jaramillo, and Anthony Trujillo. The case was tried before the Honorable Stephen Marcus in Department 132. This case involved an auto vs. auto rear end accident converted into an attempted car jacking by the District Attorney based on the statements of the victims.

All four defendants faced a life sentence. The District Attorney demanded prison for each.

The incident occurred at 4:00 p.m. on Christmas eve when the three Jaramillo brothers were on their way home from lunch. Mr. Trujillo was never with them but he was a witness from his porch when the accident occurred. Mr. Trujillo was identified by the three victims at the scene as being involved.

All four defendants testified. After four weeks of trial and two weeks of deliberations the jury returned a verdict of not guilty on all counts. The three Jaramillo brothers were found guilty of misdemeanor assault as a lesser included and received 180 days time served with no probation.

Congratulations to ANDREW FLIER on a busy and successful 2008. So far Mr. Flier has tried People v. Alvarez who was charged with a killing of a black inmate in the county jail. This case garnished a lot of press because it sparked the racial rioting and high tensions of Mexican inmates and black inmates in 2006. The defendant was found not guilty of murder. This case had two codefendants. MR. JAMES GOLDSTEIN and MR. LARRY SPERBER were the other defense attorneys; Mr. Flier was delegated as the lead attorney.

In People v. Gabrielyn, the defendant was charged with first degree premeditated murder of his wife. The defendant, during an argument, stabbed his wife (the victim) in the back puncturing her lung and liver. The case was tried in Pasadena. The defendant was found not guilty.

In People v. Cernas the defendant (16 years old) was accused of shooting at a car that had five victims inside. One of the victims was struck in the head by one of the bullets fired by Mr. Cernas. Mr. Cernas confessed to the shooting to the homicide detectives on video and audio tape. Mr. Cernas was found not guilty on all charges. After the 12 not guilty verdicts were read Mr. Cernas was released from custody.

Mr. Flier has also tried cases in San Bernardino, Ventura County, and Van Nuys Courthouses.

Mr. Flier and his father Theodore Flier concluded a three week trial in Pomona. This case had a lot of press because the client, Mr. Gray, was charged with three counts of attempted murder with premeditation on two police officers and one Deputy District Attorney. The jury returned verdicts of not guilty on the charges involving one of the police officers and not guilty on the charges involving the Deputy District Attorney. The jury returned a verdict of guilty on a count involving the second police officer.