

## **Selections from Chapter 3: Commit a Crime**

If you're in a hurry and have a great need to find yourself in a front of a judge, then committing a crime is the way to go. It's the single most effective way going to secure an appearance in court—so effective, in fact, that it even works for those folks who committed a crime and didn't even know about it.

In this chapter, we examine some highlights from criminal court, from a camp group leader who lost her taste for s'mores to a bank robber with a gift for retirement planning.

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Now you might not have a lot of compassion for the common criminal. After all, they've opted for the easy way out, choosing to break the law rather than obey the way the rest of us do. You do, don't you?

In this case, however, you might find your heart melting. A septuagenarian in Illinois discovers that this whole bank-robbing business is a lot harder than it looks.

*If only God would give me some clear sign! Like making a large deposit in my  
name in a Swiss bank.*

*—Woody Allen*

### **It's Not Easy Getting Old and Robbing Banks**

Once you hit 70, you've got most things figured out. You'd think, too, that a 70-year-old, once-convicted bank robber would have a leg up on the rest of us on how to rob a bank.

I mean the stocking-over-the-head thing probably should be passé for this guy.

But nooooo.

Small-town Versailles, Illinois, is the scene for the attempted caper by 70-year-old Gordon A. Bryant. He showed up at the Farmers State Bank, wearing a stocking mask over his head, at the front door, but not yet through the vestibule. He wanted to be buzzed in.

The bank, however, had installed a buzzer door entry system to foil would-be robbers after a successful robbery some months earlier.

According to news reports, alert (how alert would you have to be?) bank employees refused to let the unusually clad gentleman in. Go figure.

Frustrated, Bryant drove away. Presumably after removing his stocking mask. But again, "alert" bank employees called the sheriff, who managed to catch Bryant. With typical understatement, Brown County Sheriff Jerry Kempf commented, "When you're going into a bank, you usually don't wear those in there. It's not Halloween. He's 70 years old; you would hope he would have learned by now."

Bryant could be in his 90s before he gets out. Maybe by then, he will have learned. It only took one time for the bank to figure out what to do.

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On the other hand, there are what we like to call natural-born students. They're avid learners, always eager to improve their skill set and become more knowledgeable. Consider the following case, where a would-be, big-time criminal learned everything he needed to succeed—except for the bit about getting caught.

*Even if you were to be able to reverse engineer the encoded material what you'd get is nonsensical to you.*

*—Mark de Visser*

### **You Can Learn a Lot from Television**

Maybe you can even learn a few things you shouldn't, too. Take, for example, the case of Michael W. Hobbs, 36, of Waco, Kentucky, who pled guilty to five counts of burglarizing homes.

He learned how from watching the Discovery Channel. The TV channel features a show called *It Takes a Thief*, hosted by two ex-cons who explain to everyday homeowners like you and me how vulnerable we are to theft, and what to do about it.

Apparently Hobbs watched the show frequently enough to learn how to exploit those vulnerabilities. He followed the ex-cons' advice, and kept nothing of what he took in his own home, according to police.

Police Major Steve Griggs told the Associated Press, "He didn't hold onto any of the property. He had no physical evidence at his residence whatsoever. When we entered a couple times, he said, 'Come on in, look around. I've done nothing.'"

Hobbs was ultimately tripped up because police managed to tie him to the successive burglaries. He would show up asking homeowners whether they needed gutter work. Enough victims remembered him that police tied him to the crime spree, and Bob's your uncle, the police arrested him.

Once convicted, he was sentenced to twelve years in prison.

Let's hope he doesn't have cable in there. No telling what he'll learn next.

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Even so, you would think some things wouldn't have to be taught. That some facts were so obvious, so fundamental, so patently clear that to miss them would be like missing the nose on your face. That doesn't mean they can't be missed, just the same.

*He's got a little bit of a swagger. That's good to see. You like guys like that. He's got that makeup of a guy that you like playing in the secondary.*

*—Herman Edwards*

## **Where Does a Bank Robber Put Her Stash?**

You're a bank teller behind some bulletproof glass, and a woman walks in, dressed to the nines. Slightly overweight, but still dressed to the nines. Sensible, strappy, glittery gold pumps with a perfectly matching handbag.

Blonde, tightly curled hair to boot, with a cute dark-brown leopard-print calf-length dress with a solid black scoop-neck collar. Makeup applied just right. Well, maybe a little heavy on the eye makeup and foundation, but still, she tried.

Then she hands you a note: "Give me all your money," it says, or words to that effect.

What do you notice? Remember now, you've been trained for this—and you know you're going to have to give police a detailed description after it's all over. Without looking back up at my description, can you do it?

Our Central Islip, Long Island, Citibank teller did, but it was one thing that stuck out the most.

It was her pencil-thin moustache and goatee. Yep, you guessed it. She was in fact a he, and for all his other efforts, he had forgotten to shave.

Aston Barth, who has a prior conviction for bank robbery, was held on \$1 million in bail after a tipster turned him in to police based on the teller's description.

The strappy sandals were nowhere to be found. There was a little too much bread loaf in those shoes. And they pinched.

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Sometimes you can be too smart for your own good. In the following instance, a would-be businessman had a great way to keep inventory costs down. There was only one problem, as you'll see.

*New York's such a wonderful city. Although I was at the library today. The guy there was very rude. I said, "I'd like a card." He says, "You have to prove you're a citizen of New York." So I stabbed him.*

—*Emo Phillips*

### **They Come with Sensors, Too.**

Craigslist.com (no relation) is a wonderful source for apartments, housing, odds and ends, and just about anything else you used to find in the want ads.

It's also a great place to find inexpensive, used DVDs.

Thomas Pilaar apparently thought so, too. He allegedly sold inexpensive used DVDs on Craigslist until one recipient noticed something odd about the DVD she ordered from him.

It had a library sticker on it.

A librarian bought the DVD, and she noticed the sticker. She turned him in to police, who arrested him. The police claim Pilaar obtained at least seven library cards under different names and may have had as many as 2,500 DVDs at a value of more than \$45,000.

According to CBS4 Denver television reporter Brian Mass, librarians said of this theft, "Just like any other system, it's possible to abuse it. And this guy, if he is who he claims to be, shows up at some of the libraries and developed very quickly a pattern of just not acting like an ordinary patron and checking out way too many DVDs."

That's one library card per person, and no more than one book or movie at a time, please.  
Oh yes. One more thing: shhhhh.

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Libraries may be where you find teachers, but sometimes they take field trips. S'mores are classic campfire food, one of those traditional favorites that every kid enjoys. Not just kids—more than a few adults enjoy the taste of graham crackers, chocolate, and marshmallows.

Hope Clarke, however, is not one of those adults. At least not anymore. It's hard to enjoy the sticky, gooey treat when creating one of the campfire goodies put you directly into the long arms of the law.

*Life is like a box of chocolates...you never know what you're gonna get.*

*—Forrest Gump*

### **The Marshmallow Warrant**

You're camping with your grade-school teacher in Yellowstone National Park. Sitting around the campfire, she gets out hot chocolate and makes s'mores. You know, graham crackers, chocolate, and marshmallows.

A few ghost stories and it's time for bed, kiddies.

One little mistake, though, but luckily no serious harm, unlike the poor fellow in the last story. Teacher forgets to put away the fixin's. Ranger catches her, issues a 50-dollar ticket.

Expensive lesson, very expensive s'mores.

Time ticks by, say a year or so. Teacher Hope Clarke travels from her home town in Riverton, Wyoming, to Miami to take a vacation, and goes on a Carnival Fascination cruise. Nice, relaxing trip.

Until she returns to Miami from Cozumel, Mexico. Then, she's hauled out of bed at 6:30 AM, taken from her cruise cabin, handcuffed, leg shackled and detained for nine hours. (Yup—count 'em—that's nine hours, longer than most people's workdays). Only then is Clarke dragged before a federal magistrate to answer for the Yellowstone ticket. For a marshmallow violation.

That's right. The ticket she paid a year ago. The copy of the ticket that the magistrate had (I'm guessing here that the copy came from the customs agents who arrested her on an allegedly outstanding warrant from the supposedly unpaid ticket) showed that she had, in fact, paid the ticket.

Amidst her sobbing, Magistrate Judge John J. O'Sullivan apologized and demanded that the customs agents answer up. Other than the standard "we thought we were doing the right thing," the agents had no real answers.

The lesson here?

Be careful kiddies, it's a jungle out there out there, and marshmallows can lead to a life of crime. Better to nip it in the bud now—and leave those s'mores at home.

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Hope Clarke might have started sliding down crime's slippery slope, led astray by some tasty s'mores—but others have taken the trip all the way to the bottom of the slide. In this next

case, another culinary treat—this time of the pickled persuasion—landed our defendants in hot water.

*My mum, a strange creature from the time when pickles on toothpicks were still*

*the height of sophistication.*

*—Bridget Jones's Diary*

### **Quit Jerkin My Gherkin**

In the small town of Niles, Michigan, slightly North of South Bend, Bobby Lee Bolen and his friends, Jody Lee and J. W. Romanski, III, were hanging out at Jody's house. It was just a guy's night in, shooting the breeze and having a few beers.

Well, maybe more than a few. In the process of consuming large quantities of alcohol (according to Bobby Lee's attorney, Robert Lutz) Bobby Lee got hungry and raided the pickle jar in Jody's refrigerator.

Apparently not feeling too charitable about Bobby Lee's uninvited choice to eat his food, Jody told Bobby Lee he couldn't afford to feed everyone in the world and to stop eating his pickles.

Bobby Lee didn't take kindly to Jody's rebuke and left in a huff, yelling and swearing at Jody. Somewhere outside the door, however, he reconsidered his frustration. Bobby Lee returned yelling, "Here's your damn pickles" and started throwing pickles at Jody and J. W.

As if I needed to say it, a melee ensued.

During the scuffle, Bobby Lee was so frustrated that when Jody grabbed the phone to call 911 for help, Bobby Lee picked it up and beat Jody over the head with it. Ultimately subdued, Bobby Lee was charged with two counts of assault, home invasion, and cutting phone lines.

According to the *South Bend Tribune*, Judge Scott Schofield was none too pleased with the situation. “If this is not the silliest case I’ve ever seen in my courtroom, it certainly is among the top ten,” Judge Schofield grouched. “The fact that it's silly doesn't mean that it's not serious,” the judge continued. He then sentenced Bobby Lee to time served while awaiting trial, crediting him with some 54 days the pickle-thrower had already spent in the pokey, but added on \$1,150 in fines, \$270 in restitution, an anger management course, a substance abuse evaluation, and a year’s probation, according to *Tribune* reporter Debra Haight’s story.

In a Vlastic case of understatement, Bobby Lee denied allegations he was pregnant. He may have been pickled, however.

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*If a plant's roots are too tight, repot.*

—*New York Times* gardening article headline

### **Mistakes 1, 2, 3, and 4—Membership Card Revoked**

You really have to wonder whether we're evolving backward. According to the Associated Press, one of our illustrious species in Clarkstown, New York, is allegedly guilty of four mistakes:

1. Impersonating a police officer

2. Making a traffic stop
3. Stopping an off-duty state trooper
4. Driving without a registration or insurance

While you may get away with three out of the four mistakes, #3 is will really get you into trouble. Even so, Shalom Gelbman, 22, of New Square, New York, made all four mistakes, state police said.

Gelbman, with a strobe light on his dashboard and his high beams flashing, allegedly pulled over a car one Wednesday night on the Palisades Interstate Parkway, police said. Inside the car was New York State Trooper Seamus Lyons, who instead of getting a ticket, arrested Gelbman.

Gelbman was not clear with investigators about why he pulled over Lyons's car. One investigator said Gelbman told officers he wanted to scare the driver and get him out of the way.

Gelbman was charged with reckless endangerment and criminal impersonation and was cited for having unauthorized equipment in his car, a dark blue Mercury Grand Marquis with tinted windows. At least he tried to look like a cop. He was released on \$5,000 bail after being arraigned in Clarkstown Justice Court.

This guy's fifteen minutes of fame are up, along with his membership card in the human race.

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The fellows in the following cases are in no immediate danger of collecting any academic honors.

*There are people who believe in leprechauns, Santa Claus, aliens in our midst, the innocence of O. J. Simpson, and that weight makes a difference in the outcome of a horse race. An idea...is not responsible for the people who believe in it.*

—Don Marquis

### **Leprechauns or Window Cleaning: You Vote for the Least Likely Defense to Win an Acquittal**

Ask any criminal lawyer, judge, or prosecutor and you'll find they hear several standard defenses to just about any crime:

- “It wasn’t me, man.”
- The SODDI defense (“Some Other Dude Did It”).
- “I didn’t get my Miranda warning.”
- “I was set up,” or another variant, “It was entrapment.”
- “They didn’t have a search warrant.”
- “I didn’t mean to \_\_\_\_\_ [insert name of any crime here].”

None of them typically works. Most of the people involved with that end of the system know the somewhat sad joke defense attorneys make—when you’re charged with a crime, you’re guilty until proven innocent.

Some creative defenses, however, just might get you off the charges.

Let's first take leprechauns, for example. As first reported by WLWT-TV out of Cincinnati, Ohio, Mr. Kim Leblanc was in custody for "a variety of charges." And what a variety it is. Mr. Leblanc broke into a parked car and fell asleep. The car's owner found Mr. Leblanc in the morning and called police.

The cops arrived and not only found Leblanc in the car, but also not wearing any pants. When asked how he got in the car, Mr. Leblanc responded that leprechauns let him in.

Leprechauns indeed.

Mind you, this crime was committed in Ohio, not Ireland, and Mr. Leblanc's family heritage is likely French, at least one continent and ocean away.

Nonetheless, he pulled the leprechaun excuse out of his hat, so to say. The excuse just might have worked, however, until he explained why he thought the leprechauns let him in the car.

He admitted to doing drugs the night before. Right, like that excuse is going to work.

Remember, you heard it here: if you're going to pull out the old "leprechaun excuse," then don't admit to taking drugs. Judges tend to lose their sense of humor when you make admissions like that.

Next, in Portsmouth Crown Court in England, Jason Marshall was on trial for breaking and entering into a cop's house, *while the officer was at home*.

That takes some nerve. But not as much nerve as his excuse.

After forcing the front door open, Marshall started sneaking around, looking for loot. But the ever-alert Sergeant Abdul Haque came downstairs and found Mr. Marshall on the prowl.

Marshall quickly summoned up as much gumption as he could muster and told Sergeant Haque he had come to wash the windows. According to the Metro.co.uk site, the Sergeant responded in true British fashion, “Not here you’re not. You’re nicked.”

If you guessed neither leprechauns nor window cleaning worked as an excuse, then go to the head of the class. You’re right on both counts.

The moral of the story: Breaking and entering is bad news—and against the law—here and in England. Breaking and entering a cop’s house is just plain stupid. Neither leprechauns or bad excuses likely will get you out of a jam.

*If we cut up beasts simply because they cannot prevent us and because we are backing our own side in the struggle for existence, it is only logical to cut up imbeciles, criminals, enemies, or capitalists for the same reasons.-*

—C.S. Lewis

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Here’s another from the excuses-that-just-don’t-work file. You’ve got to give the guy credit for chutzpah, though. How many of you would have tried this excuse?

*Let me say for the record, I am not a gangster and never have been. I’m not the thief who grabs your purse. I’m not the guy who jacks your car. I’m not down with the people who steal and hurt others. I’m just a brother who fights back.*

—Tupac Shakur

## **What Seems to Be the Problem, Officer?**

If you have to ask that question, then you're likely in a car, pulled over alongside the road with the blue uniform staring down at you behind a pair of dark sunglasses as your fingers tightly grip the steering wheel.

And you better think quick.

Quicker still if you've got an outstanding warrant for your arrest *and* you're driving a stolen car. 29-year-old Vincent Estrada, Jr., was in just that situation and came up with perhaps one of the lamest—or most creative, depending on your level of gullibility—excuses ever offered to the Geneva, New York, police.

It went something like this: “I stole this car, officer, because I wanted to drive to the station and turn myself in on my family court warrant.”

Right. My foot's out a yard.

Instead, police took him back to the town where the car was stolen to face that charge first. Eventually, he'll make it back to Geneva on that town's outstanding warrant.

He'll have plenty of opportunity in the meantime to come up with a better excuse. Next time, I suspect he'll take the bus.

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Maybe you've changed your mind. After committing your crime and finding yourself embroiled in the legal system, you've decided that this option wasn't that much fun anyway. The shiny new infatuation you had with the courtroom has faded, and you just want to go home.

Sometimes that means proving your innocence. Other times, it means making the best plea deal possible. Still other times, you're out of luck, and you'll be getting your mail at a new home for a while.

Just don't select this next option—I guarantee you won't like how it turns out.

*To a warden, Utopia is an escape-proof jail.*

*—Gregory Nunn*

### **Into the Lap of Justice**

It seems like those who want to escape justice may just find themselves sitting in the very lap of justice sooner than they thought. Ben Rogozensky, a Decatur, Georgia, inmate found himself in a precarious position recently during an escape attempt.

Apparently, while in the courtroom and waiting for his hearing to begin, Rogozensky met with his attorney in an empty jury room with a deputy standing guard outside. During the meeting, Inmate Rogozensky excused himself to the adjacent restroom and attempted to escape through a ceiling crawl space.

Unfortunately for Rogozensky, he found out that the ceiling wasn't quite as reliable as he had hoped. In the midst of his escape route, he fell through the ceiling into State Court Judge J. Antonio Del Campo's chambers, and was captured by a technician working on the judge's computer while the judge was out.

That's one of the more unique ways to cut through a busy judge's long docket.

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Timothy J. Bowers's thought process is crystal clear. Faced with what he felt to be an insurmountable challenge and with his golden years approaching, Bowers formed a creative plan.

Note that I didn't say a good plan. Only that it was creative.

*My occupation now, I suppose, is jail inmate.*

*—Theodore Kaczynski*

### **The \$80 Retirement Plan**

It's not a financial plan I would recommend, and I doubt anyone else would, either. But it made sense to 63-year old Timothy J. Bowers. He was a delivery man for a company that went out of business in 2003, and could only find odd jobs after that. He couldn't find a full-time job and felt employers discriminated against him due to his age. He didn't have tremendously marketable skills, but he apparently had watched a lot of TV.

Here's his plan: he robbed a bank. While that part appears designed to get money to help make ends meet, the next part may not make any sense to you, but bear with me for a moment. After the teller handed Mr. Bowers \$80.00, he then turned around to the guard, and said, "It's your day to be a hero," and gave the guard the money. Then he waited for police to arrive.

That's not how it's supposed to work you say?

Well, Mr. Bowers had a different plan. His Social Security wasn't due to kick in until he was 65, so he decided to plead guilty and then asked the judge for a three-year sentence. Yep, a cot and three squares a day until Social Security kicks in.

According to the Associated Press, his lawyer was quoted as saying, "It's a pretty sad story when someone feels that's their only alternative." The prosecutor couldn't agree more: "It's not the financial plan I would choose, but it's a financial plan," replied the district attorney.

### **Seriously Now: Lessons Learned**

You're probably not reading this book if you're thinking about committing a crime or if you've already committed one. I'm not sure how to pass along advice about how not to commit a crime, but I think it's easy to put into one word: Don't.

Nothing about the criminal justice system is designed to be a pleasant experience for a criminal defendant. It's expensive to hire a lawyer, it takes a long time (especially if you're convicted of the crime), you have to show up in court regularly and "rights" are not something the criminal justice system provides to criminal defendants, despite what you may have heard about the Miranda warnings.

It's best just to stay away from that side of the law. If you somehow haven't been able to avoid it, however, then give some thought to the purposes of the criminal justice system. It's designed to deter, punish, and rehabilitate, and to compensate the victim.

So, to deal with a criminal charge, just reverse those purposes. Demonstrate compliance with the law, express remorse, pay your victim back, as well as the criminal justice system itself (you didn't think all those people work for free, did you?), and show the court that you're willing to accept the consequences of your actions.

I have a typical speech I use in my law practice about accepting responsibility, which can go a long way with the district attorney and the judge. It's a bit hackneyed, perhaps overgeneralized and sometimes offends members of one political party or the other, but if you

can look past all of that to the moral of the story, I think you will agree it makes sense. Here it is: Richard Nixon refused to accept responsibility for his actions. Shortly thereafter, the House Judiciary Committee voted to impeach him. On the other hand, Bill Clinton accepted responsibility and apologized for his actions, and remained in office.

In my experience, criminal defendants who accept responsibility and apologize don't suffer the same consequences as those who won't and don't.