

Nov. 2007: *Juvenile Charged with Murder After Car Accident, Not Transferred to Adult Court and Pleads to Reckless Homicide; Is Released!*

It didn't take long for the joint venture agreement between Somerset attorney Robert Norfleet and *Persuasion Consultants* to bear fruit. Pulaski County (Ky.) District Court Judge Scott Lawless accepted the plea of one of Norfleet's juvenile clients to Reckless Homicide, thereby ending in juvenile court the eight-month case where the juvenile was originally charged with Murder and threatened to be transferred to Circuit Court to stand trial as an adult. In addition, the prosecution agreed to dismiss a Burglary charge that had been pending against the juvenile for some months prior to the accident which claimed the life of the juvenile's best friend (also a juvenile).

Norfleet said that the family and his client were "very happy with the results." He added, "I think my client understands, in a way that most people can only imagine, the risks associated with drinking and driving. Even though the evidence showed he was not legally "under the influence at the time of the accident (a .049 BAC), and that a mechanical failure with his friend's car caused the initial problem with going off the road, there are risks attendant with having had a few shots of bourbon before getting behind the wheel. My client will have to live with the death of his very best friend for the rest of his life."

As for the involvement of *Persuasion Consultants*, Norfleet called the collaboration of PC's Mark Stanziano "invaluable." "When I first got involved with my client's case, I took over for a rather inexperienced public defender. He was ready to plead the client guilty to Murder just to keep the case in juvenile court" explained Norfleet. "But, when I contacted *Persuasion Consultants*, Mark asked what the kid's BAC was. I told him that the information had not yet been provided by the prosecution, even though the prosecutor was making a lot of noise about transferring the case if we did not have an agreement within a couple of days. It was at that point that Mark told me the prosecution was withholding exculpatory evidence and that I needed to demand the BAC readings," said Norfleet

As it turned out, the client's BAC was .049 at the scene (PBT device) and that his maximum BAC was .067 approximately two and one half hours after the accident. "Clearly, the BAC was going up at the time of the accident and the client was not under the influence of alcohol at the time the car went out of control," said Stanziano. "I think what I helped Rob with most, other than the science involved, was just giving him the support sufficient to allow him to call the state's bluff. When he did, they lost a lot of their bluster and bravado."

"That's what we do here at *Persuasion Consultants*, we work with attorneys as a partner in the case." Stanziano continued, "Being a little further away from the fray and the personalities involved, we are able to help lawyers, whether young or old, to look at issues in a different light and to have the confidence to put forth their client's stories even in the face of gale-force winds that are caused sometimes by prosecutors telling defense lawyers how strong the prosecution's case is."

The client is set for final disposition at the end of November and is currently home—after eight months in pretrial detention—awaiting that hearing. The parties to the case expect that after an initial period of commitment to the Kentucky Department for Juvenile Justice, which will allow the client to address some substance abuse issues while in a group home setting, the client will be home well before the Dogwoods begin to bloom in the early Spring.

“The best part about the case is that the adjudication for Reckless Homicide is not going to be a public record. An adjudication for Murder certainly would have been; even if it occurred in the juvenile court,” explained Norfleet. “With this resolution, the client was able to reduce a very serious case to the lowest level felony and eliminate a burglary case from his record. As it turned out, this is a very satisfying resolution to a case that started out with no hope at all,” said Norfleet. “It is a resolution that would not have been possible without the teamwork Mark and I have started to build through our business relationship.”

He concluded, “There is no question that having *Persuasion Consultants* and Mark involved in the case makes a very positive difference for the client and for me.”