

FELONY BAD CHECK CASE DISMISSED, LAWYERS CREDIT UNLIKELY EXPERT ASSISTANCE

A Taylor County Circuit Court judge dismissed an indictment charging Taylor County resident Stephanie Wolfe, with one felony count of Theft by Deception greater than \$500.

“TBD is usually just a misdemeanor ‘bad check’ case,” said Ms. Wolfe’s attorney, Bethany Catron. “Occasionally, the amount of the check that gets returned is more than \$500 which makes the charge a felony-level offense. That’s what happened in this case. But, the prosecution must show that when the check was written, the person who wrote the check did not believe there were sufficient funds in the account to cover the check,” explained Catron.

Judge Dan Kelly expressed his displeasure with the continued prosecution of Wolfe in the face of defense evidence that she relied on her bank’s continued representations that her account had sufficient funds to cover the check. A stunned prosecutor stood silently by as the case—in which the prosecution at one time had convinced Wolfe’s first attorney to have her client plead guilty in exchange for a pre-trial diversion—unraveled and was tossed out. “Ms. Wolfe’s first attorney just didn’t get any expert assistance to help her understand the ins and outs of banking law. She should have, but didn’t for whatever reason,” said Catron.

“At the firm, of Stanziano & Catron, PSC, we try to find ways to change the narrative so that our client is shown in a better light,” said Stanziano. “Here, Bethany was able to find an expert who helped us understand that the narrative was never in favor of the prosecution. She was able to show that the true story was that the client was entirely innocent of a crime.”

“But,” Catron added, “it was difficult to find an expert who would help us against a local bank.” Eventually, the firm turned to Mark’s daughter, Kathryn Stanziano, who was in North Dakota but who had significant experience in the banking field. “We were reluctant to use Kali as an expert,” said Catron, “not because she didn’t know her stuff, but because she had a built-in bias which could have been exploited by the prosecution. Ultimately, though, she provided the court with a solid legal backdrop against which to evaluate the facts. And, I think the Court appreciated that.”

Wolfe’s expression when the judge announced his ruling said it all. “I cannot believe that this nightmare has finally ended,” she said. “Bethany is just the best and without her, I am certain I would have been in jail.” “She saved my life,” Wolfe added.

Stanziano was quick to add, “As an advocate who has spent many years trying to have his clients set free, I am very happy for Stephanie. She can get on with her life and get this debt paid back without having a conviction on her record. But, as a father, I am overjoyed that my daughter had the key role to play in making sure an innocent person was freed. My heart is just filled with pride, at this point.”

“Yeah, he’s been pretty unbearable since the dismissal,” Catron said of her partner. “But, he has reason to be proud of his daughter. She really came through.”