



# Washtenaw County LEGAL NEWS

—A Detroit Legal News Publication

legalnews.com

PRESORTED  
STANDARD  
U.S. POSTAGE  
**PAID**  
ANN ARBOR, MI  
PERMIT NO. 152

Vol. 9, No. 82

Thursday, November 14, 2013

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NEWSPAPER OF RECORD SERVING THE BUSINESS, LEGAL AND FINANCIAL COMMUNITIES OF WASHTENAW COUNTY

## ASKED & ANSWERED *Winning one tough case in Texas*

By JO MATHIS  
*Legal News*

Three not guilty verdicts were handed down last month in the child sexual abuse trial of 39-year-old Jon David Stover of Texarkana, Texas. Stover was arrested in 2010 for allegedly molesting the daughter of a woman to whom he'd been married for a brief time.

Demosthenes Lorandos of Lorandos Joshi Trial Lawyers in Ann Arbor defended Stover in this high-profile case. *The Legal News* talked to Lorandos about the trial.

**Q: How'd you get this case in Texas in the first place?**

**A:** We get these cases all the time—because of word of mouth, our multi-bar admissions, presentations and publications and active participation in national organizations such as NACDL and the ABA. For example, we recently finished a trial in New York City, had a case settle in Chicago this month and have a trial coming up next month in Indiana.



Photo by Jo Mathis

Demosthenes Lorandos, center, with his team.

**Q: The defendant had already hired a top team of Texas criminal defense attorneys when you and your Michigan team were hired to take the case. Why wasn't the first team from Texas enough?**

**A:** We have a national reputa-

tion for winning the impossible case. Here, the family realized that the attorney general had DNA, trace evidence, pictures, they had a beautiful 11-year-old girl who had been trained for more than a year to be an excellent witness concerning oral and

anal sex, the attorney general also had physicians, nurses, psychologists, specialist mental health counselors, epidemiologists and many more listed experts. They knew they needed a group that was science based with a history of wins in impossible cases.

**Q: When you came aboard, you had to pick new and additional experts, figure out how to counter the state of Texas' crime lab trace evidence, DNA evidence section, the Texas Child Advocacy Center experts and about 60 other law enforcement and lay witnesses.**

**What was the most challenging part?**

**A:** The jury. Most often and particularly when we litigate in the South, we're faced with jurors who have little formal education and strong fundamental religious beliefs. Predominantly these are hard working, faith-based folks who really take their jobs as jurors seriously. We must let them know we care about them and if they'll just stick with us,

we'll unwrap all this highfalutin science concepts.

**Q: Could you sense that public sentiment was against your client? And you?**

**A:** Absolutely. When our team takes on these impossible cases, we always face a hostile press, television news team and sometimes outright threats. This was no different. This time, we had a hostile newspaper reporter, "Bikers Against Child Abuse" groups showing up and scowling in the courthouse, and overt death threats.

**Q: You literally wrote the book on cross examination—"Cross Examining Experts in the Behavioral Sciences." How did that expertise help you during this month-long trial?**

**A:** You know, one of these days I'll meet a proposed expert witness who has actually taken the time to read "Cross Examining Experts." But most of the

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# Texas trial

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time the proposed experts have never really been taken to task by their cross examiners, so they are complacent. Usually they have little or no ability to describe their methodology, the error rate associated with their data, or their extrapolation from the data to the case. So, we spank them.

**Q: How did you handle the media during the trial?**

**A:** We usually make friends with news people. Usually when they begin to see what we are doing and begin to reexamine their initial prejudices, they want to ask how we knew this and how we knew that. We've been the subject of numerous Twitter feeds. Here, the media remained hostile until the very end and we ignored them and their silly sense of the facts of the case.

**Q: Two assistant attorneys general and many investigators and experts kept the criminal trial going for four weeks. Were you worried at any point?**

**A:** Yes. We faced the entire might of the Texas state attorney general in a conservative, southern town. Jurors honestly believe that something must have happened to have a convincing story, a passel of experts, DNA, pictures and all the rest. It was an uphill battle every day of the week. Thanks to dedicated workers and terrific local counsel Toby Shook and Craig Henry, we persevered.

**Q: Bottom line: How did you win?**

**A:** The cornerstone of our success is meticulous preparation. We put a lot of work into the beginning of a case, from the worst-case scenarios to the best place the client can end up. We make extensive use of mock jury trials using our own trial preparation methods, which permits us to conduct them quickly and inex-

pensively. It is crucial to understand a jury's perception of the case and how to work the presentation.

We consult with the experts from day one, not on the eve of a trial. Also, as cases get bigger and more complex, it's a challenge to organize and retrieve relevant documents. We've designed an electronic document management system that enables us to access the right document at the right time and be very effective with voluminous discovery material—both factual and scientific.

At the end of the day, nothing beats solid preparation. We believe that the key to a stellar courtroom performance lies in painstaking investigation, research, and preparation.

**Q: The conviction rate in these types of cases is extremely high. Was your client found not guilty because he wasn't? Or because you knew how to handle the case?**

**A:** Both. It's not enough to be innocent in Texas. The conviction rate is staggering. Usually, these defendants are railroaded into a life behind bars through a three or four day trial. In this case, the attorney general is courting The Tea Party vote and wanted to make an example of this case. This is one of the reasons they threw dozens of expert witnesses into the mix. Most attorneys would have folded over the trace evidence. Even more would have asked to settle in the face of the DNA evidence. We are scholar litigators so we were more than prepared to take on all of the state's experts.

**Q: How did you like living in Texarkana for a month? Make any lifelong friends? Enemies?**

**A:** Every time we litigate in the South, our team members can't wait to get back to the Great Lake state.