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## Regional News

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### Corruption Trial for Allegheny Co. Councilwoman to Begin Oct. 29

The Legal Intelligencer

By Daniel Casciato

September 26, 2007

Pittsburgh Councilwoman Twanda Carlisle and her co-defendants are scheduled to go to trial in a corruption case before Allegheny County Judge John A. Zottola on Oct. 29.

In April, the county's investigating grand jury charged her with 17 counts: three charges of theft by deception, three charges of criminal conspiracy, three charges of violation of the state Ethics Act, five Election Code violations and three charges of failing to file required financial disclosures. Carlisle's other defendants, Lee Otto Johnson, Sheryl A. Pinson-Smith and Darlene Durham, are facing charges of theft by deception and conspiracy.

According to reports in both the *Pittsburgh Post-Gazette* and *Tribune-Review*, Carlisle's attorney, Patrick J. Thomassey, indicated at her formal arraignment in July that a plea bargain was unlikely.

That doesn't surprise local attorney David I. Gonzalez, Allegheny County commissioner for the Governor's Advisory Commission on Latino Affairs.

"I don't think that the number of counts is necessarily too bad, it's just what the counts are," said Gonzalez. "I believe that they may not be going after a plea bargain because they are hoping that the community is going to exonerate her."

The complaint alleged that she diverted \$43,160 in city funds through Durham, Johnson and Pinson-Smith "for her own personal benefit." According to the grand jury, the councilwoman deposited smaller amounts of these checks into two separate bank accounts. They alleged that she transferred \$38,310 to her personal banking account and \$4,850 to her campaign banking account.

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The grand jury also alleged that 63 times since 2003 she approved city of Pittsburgh checks totaling \$101,480 to Durham, Johnson and Pinson-Smith in payment for little or no work as consultants.

Because of her stature as a recognizable politician in the county, Gonzalez said that the prosecution will have to decide whether they want to try her in Allegheny County.

"They could decide that the jury pool would be tainted and may not be able to find someone who would be fair," he said, adding that even the defense can decide that as well.

"If the defense feels that the pool can't serve them well or if the prosecution feels they may be able to prosecute here because of a tainted jury pool, you could see one of them petition the court to move this put of the county," he said.

One of the strategies that her defense attorneys may use in the trial, according to Gonzalez, would be to try to prove or disprove the elements necessary to create the crimes.

"If the city government failed to prove all of the elements or they can call witnesses to say that all the elements were not met," he said. "For instance, for the theft by deception charge, they have to show that she had intent to steal from the government. If they can't prove the intent, then you don't have a crime. That crime is gone."

Another strategy would be to talk about what a good person she has been and all of the good she has done in the community, said Gonzalez.

"That's what I call an 'atta-girl' defense," he said. "You would have people come in and talk about her character and have her testify about herself."

Carlisle lost in the May Democratic primary and her term expires at the end of the year.



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