

Unsealed defense attorney's documents reveal much about Bolton's legal woes (Part 1)



Joe Sam Owen fired back at his former client, Charles Bolton's, accusations that Owen had accepted money from John Lee. in 52 page response, which is now unsealed.

Former Charles Bolton defense Attorney, Joe Sam Owen, filed a whopping 52-page brief which addressed each and every attempt Bolton used to smear Owen's character and defense strategy. Judge Starrett waived the attorney client privilege between Owen and Bolton, which untied Owen's hands and allowed him to respond to Bolton's claims.

The Court recognizes that Charles has repeated (sic) used both this Court and the media in an attempt to publically (sic) vilify both Owen and the Government.

the Court finds that any response or exhibit by Owen containing previously privilegecl information should be filed under seal with the Court and not served on the Government. As a precautionary measure in the event that a new trial is awarded. This seal will be lifted after the conclusion of Charles's direct appeal.

Honorable Keith Starrett

Judge Starrett has now unsealed the filing and much is coming to light. This is part one in a multi part series.

BOLTON WAS OFFERED DEAL IN FOOD THEFT CONSPIRACY AT BILLY MCGEE DETENTION CENTER

(1) On October 22nd, 2014, Charles Bolton was offered a deal by the United States Attorney's Office in the Jail Food theft conspiracy investigation. Two days later Charles and his legal team met with the US Attorney to discuss the deal being offered.

On October 22, 2014 Charles informed Owen about a scheduled meeting with the U.S. Attorney's Office of the Southern District of Mississippi (the"Mississippi USAO") and directed him to consult Dukes about the meeting, which Owen did. Owen and an associate with his office, along with Dukes, Holmes, John Collette, and an associate from Dukes's office, attended this meeting with the Mississippi USAO on October 27th, 2014. (document 295) p. 13-14

The Mississippi USAO contacted all attorneys after this meeting seeking clarification on the representation of Charles, as Dukes could not represent Charles because of conflicts with his representation of the FCSO and Detention Center. On October 19, 2014, the Mississippi USAO transmitted a plea offer to Owen, which was communicated to Charles and ultimately turned down. (document 295) p.14

BOLTON DODGED THE FOOD THEFT CONSPIRACY BULLET

On December 30th, 2015, a key witness and conspirator in the Billy McGee Detention Center food theft conspiracy, Alan Haralson, died. Haralson had just pleaded guilty to conspiring with “others” to steal food from the prison over a twelve year period. Just ten days after Haralson’s death, Bolton rejected the plea deal. Court records reflect,

“Owen transmitted Charles’s denial of the plea offer on January 9, 2015.” (Document 295) p.15

JIM DUKES AND BUD HOLMES WERE POSSIBLE WITNESSES AND COULD NOT REPRESENT LINDA BOLTON

Charles and Linda Bolton were subsequently indicted on tax evasion charges on March 22, 2016 . Owen, once again represented Bolton and Robert McDuff represented Linda Bolton at trial. Jim Dukes and Bud Holmes previously represented Linda, but on July 28th, 2016, both Bud Holmes and Jim Dukes were removed from the case as possible witnesses. Both men had previously written checks to the Boltons that were cashed in the same manner as John Lee’s checks. Starrett wrote,

Because they were potential witnesses in the case, Holmes and Dukes were disqualified from the case in a

hearing held on July 28th, 2016, and the court gave Linda ten days to find new representation . (3) Charles Bolton in his filings that John Lee was a "key government witness. Starrett wrote,

CHARLES BOLTON DELAYED HIS SENTENCING AT AN UNPRODUCTIVE PLAY AT COOPERATION

While Bolton was supposed to be cooperating, he was simultaneously plotting an attack on his trial attorney, Joe Sam Owen. Bolton attempted to bolster grounds for appeal with the manufacture of a conflict of interest claim against Owen. This claim would be supported with affidavits from Carl Nicholson, Sheriff Billy McGee, and tax expert Jeff Hull. However the affidavits were obtained at a time when Bolton was supposed to be cooperating with the government.

Sentencing was originally set for December 19th, 2016. On that date, Attorney Owen, council for Charles, and council for the Government requested an in camera meeting with the Court and made a joint request for a continuance, citing Charles's willingness to cooperate with the government in connection with ongoing investigations. (Document 295) p.5

On January 20th, 2017, during the time Charles was supposedly actively cooperating with the Government and being represented by Owen, an affidavit was signed by Carl Nicholson ("Nicholson") with a heading bearing the style of this case, detailing John Lee's purported involvement with Owen. (see Nicholson Affidavit [177-3].) [(Document 295) p. 6

On March 17th, 2017, prior to the sentencing hearing, the Court heard in camera arguments as the Motion to Deem Attorney Client Privilege Waived. During these

arguments the Government represented to the Court that Charles, despite his promises to cooperate, had given its agents no useful information despite the continuances of sentencing granted by the Court and that, as a result, it was ready to move forward with the sentencing with no further delay.

BOLTON COULD HAVE ADMITTED TO A CRIME WHILE UNDER OATH AT SENTENCING

The Court does not understand the insistence of Defendants in continually advancing this defense as, under their arguments, they contend that the John Lee checks were not income to them but rather part of a scheme in which they aided John Lee in evading taxes by cashing checks made out to their businesses and returning the money to him. Such a scheme, however, would also be criminal in nature, meaning Defendants are attempting to defend one crime by arguing that they committed a different crime.

BOLTON MISREPRESENTED OWEN'S RELATIONSHIP WITH LEE TO MANUFACTURE A CONFLICT OF INTEREST DEFENSE ON APPEAL

However, Owen never took any payments that were not directly from his client, Charles Bolton.

“On November 5, 2014, Charles, accompanied by no other person, met with Owen at his law office and presented him with three checks totaling \$60,000. One of these checks was from Nicholson in the amount of \$25,000 and dated November 3, 2014, one was from John Lee in the amount of \$25,000 and dated November 5th, 2014, and one was from Southern Neurologic & Spinal Institute

for \$10,000 and dated October 31, 2104. Charles told Owen 'that he obtained loans from friends and had the checks made payable to Owen' and that 'he would make arrangements to obtain the additional \$15,000 payment in due course. At no point before or after November 5th 2014, did Owen or any member of his firm 'meet with, converse with, or have any contact with John Lee concerning the money Charles Bolton borrowed from John Lee or about the food theft case.' Charles has not alleged any specific contract between John Lee and Owen. Rather he relies on statements that 'John Lee made payments to Attorney Owen for attorney fees with funds controlled by Lee' without mentioning that these payments were made through Charles himself, who personally delivered the checks to Owen's law office and who represented that they were " (document 295) p.14-15

"Charles has not alleged any specific contact between John Lee and Owen. Rather he relies on statements that 'John Lee made payments to Attorney Owen for attorney fees with funds controlled by Lee' without mentioning that these payments were made through Charles himself. who personally delivered the checks to Owen's law office and who represented that they were 'loans from friends.' " (document 295) p. 15

"the Court can find with certainty that Owen had no conflict of interest in this case based on any payment made by John Lee for Charles's legal fees" (document 295) p.16

OWEN NEGOTIATED A PLEA DEAL IN THE TAX CASE BUT BOLTON TURNED IT DOWN

Charles argues that, because Owen had a conflict of

interest due to John Lee's payment of his legal fees, he provided ineffective assistance of council. This argument unravels with the Court's determination that Owen had no such conflict of interest. The Court would also be remiss if it did not comment on the irony of this claim, as Owen's representation was so effective that he was able to negotiate a plea bargain with the Government on Charles's behalf, which would have significantly reduced his sentencing guideline range and put probation potentially within his reach." (document 295) p. 17

JOHN LEE FUNNELED MONEY THROUGH CARL NICHOLSON TO HELP FUND BOLTON'S DEFENSE

Nicholson states in his Affidavit [177-3] that this money was given to him by John Lee because "he did not want his office manager to know all of his personal activities." (footnote p.14 #32)

BOLTON AND HIS ATTORNEYS LIED ON THE INITIAL APPEAL WHEN THEY CALLED JOHN LEE "a key government witness."

"Before the Court addresses this alleged conflict, it must first point out this first lie by Defendants that is featured prominently throughout all the motions currently pending before the Court. Not only was John Lee not a 'key government witness," John Lee was never even a witness at trial and no subpoena to testify was ever enforced against him, as all parties were aware that he would only invoke the Fifth Amendment if called to the witness stand.

JUDGE STARRETT IS EXPECTED TO SANCTION AT LEAST ONE OF BOLTON'S ATTORNEYS

“Some of the allegations in defendant’s motions even cross the thin line between flagrant misrepresentation and blatant lie. The court is even considering sanctions against one or more of Bolton’s attorneys.”

Starrett also states,

“The Court has not ruled out sanctions under its inherent powers for these falsehoods against the attorneys involved.”

THE BOLTON'S PULLED THE PLUG ON THEIR DEFENSE JUST DAYS BEFORE TRIAL

“Furthermore, ‘ the initial defense strategy of Owen, Galloway, and OGM was to aggressively challenge Nicholson and Co., particularly Carl Nicholson’ and to ‘lay the blame for the indictment at the feet of Nicholson,’ a strategy to which Charles objected”